

**City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
July 30, 2003**

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Mayor David Dermer
Vice-Mayor Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Saul Gross
Commissioner Jose Smith
Commissioner Richard L. Steinberg

City Manager Jorge Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney

- PA1 Certs. of Apprec./Presented To Various Hotels For Providing Artists Studio Workplace. (Bower)
- PA2 Certs. of Apprec./Sergeant Harley & MBPD Officers For Success Of "Junior Police Academy." (Cruz)
- PA3 Certs. of Apprec./Lisa Silvera & Christopher Hughes/Events, Festivals & Hosting Visitors. (Garcia)
- PA4 Presentation - Eitan Reich, 2003 MBH Valedictorian, For Receiving Oracle Award. (Dermer)
- PA5 June And July, 2003 Employee Of The Month "At Your Service" Award Winners.
- PA6 Certs. of Apprec./Neighborhood Leadership Academy Graduates.
- PA7 **New Item:** Cert. Of Apprec./Akira Shimaya, Sister Cities Sponsored Cultural Exch. Artist. (Dermer)

- C2A Bid 42-02/03, Purchase & Delivery Of Trencher For Public Works Department, \$50,296.37.
- C2B Bid 48-02/03, Purchase & Delivery/4 Sets Of Batteries For Electrowave Buses, \$41,952.

- C4A Ref. Land Use & Dev. &/Or Neighb. Committees - Proposal to Exchange City-Owned Property.
- C4B Ref. Land Use & Dev. Comm./DRB Re: Windows in SFH Outside Historic Site. (Bower)
- C4C Ref. Community Affairs – Establish Pilot Program "Welcome To Miami Beach" On BEACHTV.
- C4D Ref. Finance & Citywide Projects Comm. – Extend Prof. Serv. Agmt/State Legislative Services.

- C6A Report: General Obligation Bond Oversight Committee Meeting of July 7, 2003.
- C6B Report: Land Use & Development Committee Meeting of July 14, 2003.
- C6C Report: Finance & Citywide Projects Committee Meeting of July 16, 2003.
- C6D Report: Neighborhoods Committee Meeting of June 30, 2003.

- C7A Approve Amendment to Agreement w/ Corradino, Extending Parks Master Plan Bond Program.
- C7B Execute Agreement w/ Morton Towers - Bay Road Streetscape & Stormwater Improvements.
- C7C Set Public Hearing, Proposed Fountain In Memory of the Late Joseph Nevel.
- C7D Confirm City's Policy to Use Runzheimer Meal & Lodging Cost Index.
- C7E **S-** Set Public Hearing, Lease Agreement w/ New World Symphony, Dev. Surface Parking Lot.
- C7F Execute MOU w/ MDC, City of Miami & Coral Gables for The FTAA Ministerial, \$45,000.
- C7G Accept Recomm., Mgmt & Operations of Antique & Collectible Market on Lincoln Road.

C7H Issue RFP for Investment Advisory Services.
C7I Approve Donation of One (1) Used '94 Ford F250 Pick-Up Truck to Teen Job Corps, Inc.
C7J Submit Various Grant Applications for Several Events.
C7K Authorize Reappointment of Raymond Adrian, SCSEP to So. Fla Workforce Board.
C7L **S-** Submit To Electorate Question Re: Amending Art. VII & VIII of the Related Special Acts.
C7M Execute Agreement w/ Sigma Communications, Inc. for FY 02-03, \$55,300. **5/7**
C7N Issue RFP, Dev. & Implementation of Citywide Corp. Marketing & Sponsorship Program.
C7O Approve Parking Emergency Retroactive – Bayview Condo Parking Garage (7/14-7/18/03).
C7P Approve Bidding for Professional Mgmt & Operations – No. Shore Park Tennis Center. **5/7**
C7Q Ratify Contract, Installation of Fire Sprinkler System, Byron-Carlyle Theater.
C7R Ratify Contract for Installation of Stage & Associated Stage Rigging in Byron Carlyle.
C7S Ratify S.O., Provide for Demolition Services in The Byron Carlyle.
C7T Amend Resolution Extending Concurrency Mgmt System Committee's Term For 6 Months.
C7U Execute Agmt w/ Kelley Swofford Roy, Inc. – PR & Marketing/Community Services.
C7V Appropriate Funds, Renovation, First Floor, Historic City Hall for MBPD Use.

R5A **10:40 a.m. 2nd Rdg**, Amend Code, Mitigation Requests and the Special Master.
R5B-1 **11:00 a.m. 2nd Rdg**, Amend Code, Occupational License Tax.
R5B-2 **11:05 a.m. 2nd Rdg**, Amend Code, Fire Prevention and Protection.
R5B-3 **11:10 a.m. 2nd Rdg**, Amend Code, Building Regulations/Permit Fees.
R5C **11:15 a.m. 2nd Rdg**, Amend Code, Sidewalk Café Ord. Sec. 39-31, "Permit Fees."
R5D **2:00 p.m. 1st Rdg**, Amend Code, Land Dvlpmnt Regulations, Civic & Convention Center. **5/7**
R5E **1st Rdg**, Amend Code, Concurrency Management – Exempt Small Businesses. **5/7**
R5F **1st Rdg**, Amend Ord. No. 1605, City Attorney's Office./Unclassified Employees Salary.

R7A **10:50 a.m.**, Approve North Shore Neighborhood BODR, Addendum No. 1.
R7B Execute Amend. to Agmt w/ URS Corp for Construction of Multipurpose Municipal Facility.
R7C **Joint**, Appropriate Funds for Construction for the Victory Garden.
R7D1 Amend Citizen's Bill of Rights.
R7D2 Amend Charter/Run-Off Election Date.
R7D3 Amend Charter/Residency Requirements.
R7D4 Amend Charter Deleting Subpoena Power.
R7D5 Amend Charter Re: City Manager's Power.
R7D6 Amend Charter/Budget & Finance.
R7D7 Amend Related Special Acts Sec. 2 Zoning Board of Adjustment.
R7D8 Amend RSA Deleting Public Library/Municipal Projects
R7E Rename Island View Park "Maurice Gibb Memorial Park."
R7F **Joint**, Appropriate Funds, Program Mgmt Service Agmt w/ Hazen & Sawyer, P.C.
R7G **Joint**, Authorize City Manager Select, Negotiate, Award & Reject Bids During August Recess.
R7H Amend Related Special Acts - City's Pension Fund.
R7I **10:00 a.m., 1st Rdg**, Approve Florida Local Gov. Development Agmt/New World Symphony.
R7J **10:30 a.m.**, Execute Lease Agmt w/ MB Federal Credit Union – 1701 Meridian Avenue. **5/7**
R7K **11:25 a.m.**, Establish Process To Review City Fees On Threshold Change in CPI.
R7L **4:30 p.m.**, Setting Proposed Operating Millage Rate For Fiscal Year 2003/2004.
R7M **4:30 p.m.**, Setting Proposed General Operating Millage/Normandy Shores Gov't Neighborhood.
R7N **11:20 a.m.**, Increase Present Fire Rescue Transport Fees for Basic Life Support.
R7O **3:30 p.m.**, Amend One Year Action Plan To Reprogram Prior Years Unspent CDBG.
R7P **3:30 p.m.**, Adopt Five-Year Consolidated Plan for Federal Funds For FY 03/07.
R7Q **3:30 p.m.**, Adopt One-Year Action Plan Component of Five-Year Consolidated Plan 03/04.
R7R A) Establish Schedule of User Fees for Various Parks & Recreation Programs.
R7R B) Authorize Administration to Include Outside Service Provider Recreation Programs.
R7S **10:45 a.m.**, Raise Franchise Fee Paid to City by Private Waste Contractors from 14% to 16%.
R7T **10:35 a.m.**, Approving Funds for Improvements in the North Beach Community.

R9A Board and Committee Appointments.
R9B **2:30 p.m.** Disc. CRB Recommendations – City Charter & Related Special Acts.

R9C **5:00 p.m.** Presentation by Alex Cooper – Disc. Litigation - West Side Partners & CMB.
R9D Discussion Regarding Quality of Life Funds & Procedures. (Bower)
R9E **10:00 a.m.**, Discussion Regarding Washington Square Park. (Bower)
R9F **3:45 p.m.**, Discussion Re: "No Hate Campaign" Resolution. (Cruz)
R9G Discussion On the Decision by Third District Court of Appeal re: Bert Harris Act. (Smith)
R9H Disc. On Proposing Legislation & Creating A Dune Project – ECOMB/Teen Job Corps. (Garcia)

R10A **Noon Break**, Executive Session: West Side Partners/East Coastline Development vs. CMB.
R10B Executive Session: M/A-COM, Inc. vs. City of Miami Beach.
R10C Executive Session: Royal World Metropolitan Inc. vs. City of Miami Beach.
R10D Executive Session: La Gorce Country Club, Inc. vs. City of Miami Beach.

REPORTS AND INFORMATIONAL ITEMS

A Notice of Public Hearing, Advisory Group 8/20/03 at 4:30 p.m.
B City Attorney's Status Report.
C Parking Status Report.
D Non-City Entities Represented by City Commission
D1 Miami-Dade Homeless Trust Board Meeting Minutes of May 30, 2003. (Steinberg)
D2 Performing Arts Center Trust Board Resolutions as of July 8, 2003. (Bower)

REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

2A Report of Itemized Revenues And Expenditures of RDA for June 2003.
2B Monthly Report on Parking Operations, Anchor Shops & Parking for May, 2003.
2C Status Report on Negotiations between RDP & RDP Royal Palm Hotel Ltd.
3A **Joint**, Authorize Exec. Dir./Designee To Select, Negotiate, Award/Reject, Bids/Contracts, etc.
3B **Joint**, Appropriate Funds, CMB & Hazen & Sawyer, PC, for Additional Prof. Mgmt Services.
3C **Joint**, Appropriate Funds, for Constructions Costs for The Victory Garden Project.

Meeting called to order at 9:20:55 a.m.

Pledge of Allegiance led by Chief De Lucca.

Inspirational Message given by Rabbi Pinchas Weberman.

Times based on the digital recording in the City Clerk's Conference Room.

Supplemental Materials: C7I (Resolution), C7P (Resolution and Electronic Correspondence in Support of Green Square Group), R7L (Resolutions), R7P (Executive Summary Consolidated Plan), R7R(A) (Resolutions And Attachments. 1 And 2) and R7R(B) (Resolutions).

Addendum Items: R5F

ACTION: Motion made by Vice-Mayor Bower to add, by 5/7 vote, item R5F as an emergency item to the agenda; seconded by Commissioner Smith; Voice vote: 7 0.

PA - Presentations and Awards

9:39:32 a.m.

PA1 Certificates Of Appreciation To Be Presented To The Wave Hotel, Clinton Hotel, Ocean Spray Beach Hotel, Park Central Hotel, Holiday Inn South Beach, The National Hotel, Eden Rock Resort And Essex House And Blue Moon Hotels.

(Requested By Commissioner Matti H. Bower)

ACTION: Certificates presented and accepted by Bob Sassani for the Wave Hotel, Rafael Barrera for the Clinton Hotel, by Shskir Hussain for the Ocean Spray Hotel, by Leanne Ballard for the Park Central Hotel, by Orlando Velazquez for the Holiday Inn South Beach, by Jeff Lehman for The National Hotel, by Randy Griffin for the Eden Roc Resort and by Chip Chapman for the Essex House & Blue Moon Hotels.

Vice-Mayor Bower stated that sometime ago Mira Rubell stated how wonderful it would be to bring artists from different parts of the county to stay in Miami Beach, to house them in hotels so that they could practice here and be part of our community. Her wish came true because the Cultural Arts Department, the Bureau, and David Whittaker worked very hard to get the hotels to offer hotel rooms probono for the artists to stay. She recognized the hotels for their participation in this program

George Neary spoke.

Orlando Velazquez, Holiday Inn South Beach spoke.

Jeff Lehman from The National Hotel spoke.

Shskir Hussain for the Ocean Spray Hotel spoke.

9:52:02 a.m.

PA2 Certificates Of Appreciation Presented To Sergeant James Harley, And Officers Leonardo Gonzalez, Alfredo Cata, Randolph Smith, Cheryl Mitchell-Perkins, Jonathan Brudzinski and Alkareem Azim For Their Efforts And Participation In The Success Of The "Junior Police Academy."

(Requested By Commissioner Simon Cruz)

ACTION: Certificates presented. The Police Department partnered with the Miami Beach Police Athletic League, State Attorney's Office, FBI, DEA and ATF (Alcohol, Tobacco, and Firearms) to provide the instruction to the participants.

Sergeant James Harley explained the concept of the Junior Police Academy.

Commissioner Cruz commended Sergeant Harley and Chief De Lucca for their efforts and thanked everyone that participated on this program.

Chief De Lucca recognized Sergeant Harley and staff for their work.

9:46:57 a.m.

PA3 Certificates Of Appreciation Presented To Christopher Hughes, President, CEO And Lisa Silvera, Creator Director of Thinkking Media, Inc. For Promoting Festivals and Hosting Visitors In Events Such As The Inaugural Celebration, Relay For Life, Alitalia Fam Trip and The Black Film Festival.

(Requested By Commissioner Luis R. Garcia)

ACTION: Certificates presented.

Christopher Hughes, President and CEO of Thinkking Media Inc. thanked Mayor Dermer, Commissioner Garcia, Michael Aller, the Miami Beach Chamber of Commerce, and the Miami Beach Police and Fire Departments.

Lisa Silvera spoke.

9:35:12 a.m.

PA4 Presentation To Eitan Reich, 2003 Miami Beach Valedictorian, For Receiving The Oracle Award, Based On Academic Excellence.

(Requested By Mayor David Dermer)

ACTION: Presentation made.

Linda Paras, President and CEO for the National Line for Academic Excellence, spoke.
Eitan Reich spoke.

9:56:57 a.m.

PA5 June And July, 2003 Employee Of The Month "At Your Service" Award Winners.
(City Manager's Office)

ACTION: Presentations made to Nannette Rodriguez, Office of Communications, for the month of June, and Lee Lamons from Public Works for the month of July, 2003.

Jorge Gonzalez, City Manager, explained that the "At Your Service Award" has been changed and now previous winners judge the following winners and entries can be made by the citizens via the Internet. He stated that Nannette was nominated by Vivian Guzman, Neighborhood Services Director.

Nannette Rodriguez thanked everyone for the team effort.

Fred Beckmann, Pubic Works Director, accepted the award for Mr. Lee Lamons who is on vacation. He stated that Mr. Lamons will do anything to complete the work on time and will do anything above and beyond his assigned duties to accomplish it.

10:03:14 a.m.

PA6 Certificates Of Completion To Be Presented To The Neighborhood Leadership Academy Graduates: Henry Brown, Violet Ventura-Brown, Mark Butcher, Gail Butcher, Barbara Hawayek, Daniel Cabrera, Frank Ferrara, Paul Yavis, Beth Gopman, Lisa Koslow, Rene Fuentes -Chao, Harold Cobb, Natalie Harvey, And Autumn Moore.

(Neighborhood Services)

ACTION: Certificates presented.

Lisa Koslow spoke.

9:23:15 a.m.

New Item:

PA7 Certificate of Appreciation To Be Presented To Akira Ashimsaya A Japanese Artist Invited to Participate In A Cultural Exchange With the City of Miami Beach With Sister City Japan Artist Exchange Program.
(Requested By Bruce Singer)

ACTION: Certificate presented.

Bruce Singer, President of the Chamber of Commerce, introduced the item.

Commissioner Steinberg presented gifts to Mayor Dermer from the Mayor of Sister City Fujisawa, Japan.

Mr. Akira Ashimsaya spoke.

Handout or Reference Materials:

1. Post card from the Art Center/South Florida Akira Shimaya.
2. Booklet entitled "The Miami Beach Senior High School Guitar Quintet" containing article and photographs.

CONSENT AGENDA

ACTION: Motion made by Vice-Mayor Bower to approve the Consent Agenda; seconded by Commissioner Smith; Voice vote: 7-0.

C2 - Competitive Bid Reports

- C2A Request For Approval To Award A Contract To Ditch Witch Of Central And South Florida, In The Amount Of \$50,296.37, Pursuant To Invitation To Bid No. 42-02/03, For The Purchase And Delivery Of A Trencher For The Public Works Department.

(Procurement)

ACTION: Award approved. Fred Beckmann to handle.

- C2B Request For Approval To Award A Contract To American Battery Company, Industrial Division, In The Amount Of \$41,952, Pursuant To Invitation To Bid No. 48-02/03, For The Purchase And Delivery Of Four (4) Sets Of Industrial Batteries For The Electrowave Shuttle Buses.

(Public Works)

ACTION: Award approved. Fred Beckmann to handle.

C4 - Commission Committee Assignments

- C4A Referral To The Land Use And Development Committee And/Or Neighborhoods Committee For Discussion, A Proposal To Exchange A City-Owned Property (Municipal Parking Lot No. 4D) Located At 1625 West Avenue For A Vacant Lot Owned By The Housing Authority Located At 1231-1251 17th Street.

(Economic Development)

ACTION: Item referred. Jorge Gomez to place on the agenda. Christina Cuervo to handle.

- C4B Referral To The Land Use And Development Committee - Discussion Regarding Historic Preservation Board Resolution Request To Adopt An Ordinance Amendment Requiring Design Review Approval From The Planning Department For All Replacement Windows In Single-Family Homes Located Outside Locally Designated Historic Districts Or Historic Sites.

(Requested By Vice-Mayor Matti Herrera Bower)

ACTION: Item referred. Jorge Gomez to place on the agenda. Jorge Gomez to handle.

- C4C Referral To Community Affairs Committee A Discussion Establishing A Pilot Program With Onboard Media For A Maximum Of Twelve (12) Months To Produce And Air A Thirty (30) Minute Segment Of "Welcome To Miami Beach" In Promotion Of The City Of Miami Beach As A Tourist Destination And Quality Residential Community, On "BEACHTV" (Charter Communications Geographic Territory), At No Cost To The City; Providing A Link On The City's Website, A Letter Of Support For The Programming Efforts And The City's Cooperation And Conceptual Support Of The Program And Its Production.

(City Manager's Office)

ACTION: Item referred. Mayra Diaz Buttacavoli to place on the agenda. Donna Shaw to handle.

- C4D Referral To The Finance And Citywide Projects Committee A Discussion On Extending The Professional Services Agreement For State Legislative Services.

(Economic Development)

ACTION: Item referred. Patricia Walker to place on the agenda. Christina Cuervo to handle.

C6 - Commission Committee Reports

- C6A Report Of The General Obligation Bond Oversight Committee Meeting Of July 7, 2003: **1)** Discussion Regarding August Presentation Of BODR's And July/August Community Workshops; **2)** Change Order Report; **3)** Recommendation To City Commission: A. North Shore BODR; **4)** Project Status Report: A. Update On Fire Station #2; B. Update On Fire Station # 4; C. Update On Normandy Isle Park And Pool; D. Update On Indian Creek Greenway; And **5)** Informational Items: A. Updated Calendar Of Scheduled Community Meetings; B. "Garden Center" Botanical Garden A/E Negotiations.

ACTION: Written report submitted.

Item 1.

The Committee approved the Administration going ahead with presentations of Basis of Design Report (BODR) and Community Workshops in July and August, with the stipulation that active Homeowner's Association and residents be given notice of the meetings even earlier than usual.

Item 2.

The Administration informed the Committee of change orders that had been approved since the last meeting.

Item 3.

A presentation was made regarding the Basis of Design Report (BODR) for the North Shore Neighborhood Improvement Project, which outlined the proposed improvements to be made in the neighborhood. Area residents commented on the proposed improvements. Discussion with the residents focused mainly on their support regarding Park View Island improvements.

The Committee approved a motion to recommend that the City Commission approve the Basis of Design Report for North Shore Neighborhood Improvement project. **See Agenda R7A.**

Item 4.

A) The Administration informed the Committee that the construction of the water tanks and pump station portion of the first phase of the Fire Station No. 2 project is moving forward. The City issued a second Notice to Proceed to Jasco on June 9, 2003 after the completion of the permit for the complete scope of work. Jasco has begun mobilization and construction of the added area at the site. Currently, Jasco is on schedule for a substantial completion date of May 2004. The City is still in discussions with Jasco on Fire Station No. 2 on the Guaranteed Maximum Price which will be brought to the City Commission when a final price is agreed upon.

B) The Administration informed the Committee that an updated estimate to relocate the existing Fire Station No. 4, as priced by the JOC contractor, is \$664,943.05. This estimate is much higher than the previous projection. In addition to the cost of relocating the building, additional work will be necessary to structurally shore the building once it is moved. A complete scope of work and costs would not be known until the building is fully relocated. The complete scope would be identified through a series of destructive tests, evaluation by the engineer, permitting by the Building Official and then work by the Contractor. Additional costs with the Contractor's projected price would bring the total estimated costs for relocation to an approximate amount of \$929,169. The Committee was told that the City Commission voted at its July 2, 2003 meeting to demolish the portion of the Fire Station that was declared historic. The Administration planned to make a presentation to the Historic Preservation Board in September. After a Certificate of Appropriation is obtained from the Historic Preservation Board, the Administration will seek approval from the City Commission to demolish the historic portion.

The Administration informed the Committee that 75% construction documents of Phase II (construction of a new Fire Station) were submitted by MC Harry and Associates for the City's review which is ongoing. The Fire Department raised legitimate operational concerns with the Kitchen and Dormitory areas after reviewing the plans. The CIP staff, MC Harry and Associates and the City's consultants will revisit the Fire Department's specific design issues. The Administration reported that possible solutions may include extending the current building footprint. If modifications are made to the current design, CIP staff estimates bidding of Phase II will move from the current projection of September/October 2003 to December 2003/January 2004. The project construction commencement date would then move from January 2004 to March 2004. The Committee expressed its desire to expedite the decision making process, which would then expedite the construction of the new facility.

C) The Administration informed the Committee that the Normandy Park and Pool project is under construction. The pool foundation system is completed and the walls are coming up. Portions of the basketball and tennis courts are being demolished by the contractor to accommodate the construction of the park's new concrete walkway connecting Rue Granville to Trouville Esplanade. Replacement of the existing basketball and tennis courts had been put on hold for lack of funding. However, the amount of \$288,000 may become available to fund some of the unfunded components such as additional park drainage, landscaping, and the multi-purpose court. This amount includes a request by the Administration for the City Commission to appropriate the remaining balance from the GO Bond fund allocation for the Shane Water Sports Center to the Normandy Park and Pool Project, and Community Development Block Grant (CDBG) funds. The additional funds, if authorized, would become available on October 1, 2003. The project's originally scheduled completion date of September 2003 has been modified to November 2003. Some additional delays are expected due to the Miami-Dade County drainage injection well construction permit. The Committee approved a motion to appropriate additional funds needed to complete the project in the amount of \$112,000, from GO Bond interest, pending a discussion with the Chief Financial Officer, Patricia Walker, at the next Committee meeting (August 4, 2003).

D) The Administration reported the status of the Indian Creek Greenway project and indicated that the project is moving forward. It has been divided into phases to help manage the size. The project funds originally allocated from the GO Bond are in the amount of \$300,000. The total funds currently being allocated from the GO Bond for the project are in the amount of \$1.4 million. The project would begin at Lake Pancoast, Collins Avenue and 23rd Street north to 29th Street (Phase I), then 29th Street to 41st Street (Phase II), then 41st Street to 53rd Street (Phase III). The Administration reported that the shoreline stabilization is the biggest issue, which should be dealt with as soon as possible, due to the bad conditions. EDAW and Coastal Systems International are in negotiations with the City to do the design for Phase I. A marketing package and quit claim deed is being developed by the Legal Department to be presented by August 1, 2003, to the property owners. It is anticipated that the design and permitting process should be finished and construction beginning by Spring of 2004.

Item 5.

The Informational Items presented to the Committee, but not reviewed included: the calendar of Community meetings and "Garden Center" Botanical Garden A/E Negotiations.

C6B Report Of The Land Use And Development Committee Meeting Of July 14, 2003: 1) Discussion Regarding Proposed Ordinance Allowing Electronic Display Signs For Large Venues Facilities, 2) Discussion Regarding The New World Symphony, And 3) Discussion Regarding The Issues On Espanola Way.

ACTION: Written report submitted.

Item 1.

Deferred for further discussion at September meeting.

Item 2.

Discussion held, matter to be discussed further at the full City Commission meeting on July 30, 2003. **See Agenda item R7I.**

Item 3.

Deferred to September meeting, proponents to bring pictures of what tenants want to do. The Administration is instructed to advertise the meeting of July 25, 2003 at the Plaza de España (Drexel & Española Way) to review parking, signs, etc.

8:43:58 p.m.

C6C Report of the Finance & Citywide Projects Committee Meeting of July 16, 2003: Old Business: 1) Parks & Recreation User Fees, 2) Fire Plan Review Permit Fees, 3) Space Rental Fees For Valet Parking On Ocean Drive/ 5th To 16th Street, 4) New World Symphony, And 5) Old City Hall. New Business: 1) Discussion Of A Pilot Program For Investment Advisory Service And The Process To Obtain Such Services On An Ongoing Basis, 2) Discussion Regarding Funding For The Arts, 3) Discussion Regarding Biscayne Point Canal Clean Up Funding, 4) Discussion Regarding Penrod Brothers, Inc. Request For A Referendum Regarding Their Lease Agreement For The City Owned Property Located At One Ocean Drive, And 5) Discussion Regarding Possible Funding Sources For A Contribution Of \$45,000 To The Upcoming FTAA Ministerial.

ACTION: Item separated for discussion by Commissioner Cruz. Written report submitted.

Discussion at July 30, 2003 City Commission Meeting

Commissioner Cruz separated this issue because the report indicates that the Administration is negotiating with Penrods; however the City Attorney's Office is giving an opinion that the City owned property is being used illegally (Nikki Beach Club) and will require a referendum to legalize.

Jorge Gonzalez, City Manager, stated that any negotiated agreement would be subject to a referendum. Penrods has a lease that covers the building, not the surrounding property. For several years Penrods had a beach concession in the area behind Pier Park. There are three (3) sections: 1. The building; 2. Section east of the building, west of the dune; and 3. Section east of the dune. Penrods has turned part of the area into the Nikki Beach Club. It is a beautiful investment but it is in a City public park. It appears to be a private activity. Negotiations have not been finalized. A letter was sent to Penrods with a deadline date of September 1, 2003 to reach agreement or Nikki Beach Club will be removed from the premises.

Commissioner Cruz asked when the Administration found out that the property was being used illegally and what has the Administration done about it?

Jorge Gonzalez, City Manager, stated that initial conversations began around December 2001 or about a year and half.

Christina Cuervo, Assistant City Manager, stated that in all correspondence with Penrods it has been stated that there must be public access.

Commissioner Cruz stated that he believes Nikki Beach Club is a huge asset for the City; and would like to find a way to keep them there, but what they are doing is apparently illegal. He stated that this is unacceptable.

Mayor Dermer asked Murray Dubbin, City Attorney, if a referendum is required?

Murray Dubbin, City Attorney, stated, "yes."

Jorge Gonzalez, City Manager, stated that the drop-dead date to complete negotiation is September 1, 2003.

Raul Aguila, First Assistant City Attorney, stated that this is a non-charter related item and could be placed on the November 4 ballot at the September 10 Commission Meeting.

Mayor Dermer asked what happens if negotiations fail?

Jorge Gonzalez, City Manager, explained what was contained in the letter transmitted to Penrods. He

stated that failure to reach an agreement will require the removal of Nikki Beach Club. The question is, will they reach an agreement that is acceptable to the Administration to present to the City Commission. It still requires a referendum. One question is, if the Commission places the question on the November 4 ballot, is Nikki Beach Club allowed to continue to operate? It is an asset to Miami Beach, but they need to be legal.

Commissioner Cruz stated that any deal agreed on has to be retroactive.

Jorge Gonzalez, City Manager, stated that this is in the deal.

Commissioner Smith stated that these are the same issues the Finance and Citywide Projects Committee discussed and the issue needs to be resolved.

End of discussion.

Item 1.

Item Deferred.

Item 2.

The Committee approved the proposed 15% increase for the Fire Plan Review and Inspection Fee. **See Agenda item R5B-2.**

Item 3.

The Committee directed the Administration to bring back the item to a meeting of the Finance and Citywide Projects Committee next fiscal year during budget preparation time. **Patricia Walker to place on committee agenda. Saul Frances to handle.**

The Committee further stated for the record that the current absence of space rental fees for valet parking on Ocean Drive/ 5th to 16th Street is not meant to be interpreted as continuing in perpetuity; a fee structure may be instituted at a future date.

Item 4.

The Committee approved the New World Symphony Term Sheet, subject to the Commission having the final say on the funding commitments for the parking garage facility.

The Committee further instructed the Administration to add a hard cost minimum dollar amount to the Term Sheet for the construction of the Soundspace Project. **See Agenda item R7I.**

Item 5.

The Committee instructed the Administration to enter into a three year lease agreement with the Police Department's Special Investigations Unit utilizing the vacant first floor space at Old City Hall at a rental rate of \$50,000 per year. **See Agenda item C7V.**

The Committee further instructed the Administration to fund approximately \$20,000 for the preparation of construction drawings and cost estimates necessary in order to identify the repairs needed at Old City Hall.

The Committee requested a progress report regarding funding options available for repairs once construction drawings and cost estimates are finalized.

New Business:

Item 1.

The Committee directed the Administration to prepare a Request for Proposal (RFP) as a competitive process for obtaining an ongoing Investment Advisory Service. **See Agenda item C7H.**

Item 2.

The Committee requested a Special Commission Workshop in September 2003 in order to have an in-depth discussion regarding funding for the arts and the allocation of Quality of Life Funds. **Patricia Walker to handle.**

Item 3.

The Committee instructed the Administration to get a cost estimate for the Biscayne Point Canal Clean Up.

The Committee directed the Administration to look at how other municipalities are funding similar canal clean up issues.

The Committee further directed the Administration to explore Quality of Life funds as an option for funding the clean up.

Item 4.

No action necessary, status report given.

Item 5.

The Administration informed the Committee that excess Resort Tax funds will be used to fund the \$45,000 contribution to the upcoming FTAA Ministerial. **See Agenda item C7F.**

C6D Report Of The Neighborhoods Committee Meeting Of June 30, 2003: 1) Update Regarding Honoring The Late Assistant City Attorney Lawrence Levy For His Years Of Dedication And Adoration For Our City. 2) Review And Discussion Regarding An Amendment To The City Code Concerning The Distribution Of Handbills And Discussion On Other Quality Of Life Ordinances. 3) Discussion Regarding The Revised Guidelines For The City Of Miami Beach Multi-Family Housing Rehabilitation Program. 4) Referral To The Neighborhoods Committee – Discussion Regarding Biscayne Point Canal Cleanup. 5) Referral To The Neighborhoods Committee - Relocation Of Water Meters From Rear Easement To Right-Of-Way. 6) An Ordinance Amending Chapter 6, "Alcoholic Beverages," Of The Code Of The City Of Miami Beach, Florida, By Amending Sections 6-0 and 6-41 "Total Nudity And Sexual Conduct Prohibited."

ACTION: Written report submitted.

Old Business

Item 1.

The Committee unanimously passed a motion to name the City Attorney's internship program after the late Assistant City Attorney Lawrence Levy. **Legal Department to handle.**

New Business

Item 2.

Having given Mr. Middaugh the previous suggestions, the Committee did not make a motion on this item. This item was deferred to the next Neighborhoods Committee meeting. **Vivian Guzman to place on committee agenda. Bob Middaugh to handle.**

Item 3.

The item was deferred to the next Neighborhoods Committee meeting. **Vivian Guzman to place on**

committee agenda and to handle.

Item 4.

The Committee unanimously passed a motion to direct the administration to come up with means within the upcoming budget to accomplish staffing for the clean up of garbage in the bottom of Biscayne Point Tatum Waterway, and Collins Avenue canals and also include these in next year's legislative priorities.

Robert Middaugh to handle.

Item 5.

Item deferred to the next Neighborhoods Committee meeting. **Vivian Guzman to place on committee agenda. Tim Hemstreet to handle.**

Item 6.

The Committee unanimously passed a motion to approve the ordinance as amended. See action July 2, 2003 - R5B.

C7 - Resolutions

10:11:35 a.m.

C7A A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Amendment To The Current Agreement Between The City Of Miami Beach And The Corradino Group (Formerly Known As Carr Smith Corradino) To Provide For An Extension Of Time On The Scott Rakow Youth Center; And To Provide For An Extension Of Time And For Additional Services In An Amount Not To Exceed \$100,000, For The Normandy Isle Park And Pool Project; And Appropriating \$100,000 from 1999 General Obligation Bond Interest For Such Purpose.

(Capital Improvements Projects)

ACTION: Item separated for discussion by Commissioner Gross. Resolution No. 2003-25263 adopted. Motion made by Commissioner Garcia: seconded by Commissioner Smith; Voice vote: 6-1; Opposed: Commissioner Gross. Patricia Walker to appropriate funds. Tim Hemstreet to handle.

Commissioner Gross stated that originally he objected to the terms of the contract which were to pay the architect based on a monthly amount, since typically the contracts are based on a percentage of the job cost regardless of how long it takes. This Commission was told at the time that this was the old way of doing things, that it will not be done this way anymore and that there was absolutely no question that the job will be finished on time. He explained that given how little work has been done at the Scott Rakow Center, he cannot understand why the City is paying the architect more money to supervise this long extended project and every available money should be going into hard costs and improvement to the Youth Center rather than to soft costs. He requested the Administration to respond to this.

Tim Hemstreet, CIP Director, stated that the Administration is not asking for any additional appropriations at this time for the Scott Rakow Center or any construction or administration costs related to the Scott Rakow Center. He explained that the City has defaulted the contractor; he has a "care period" which expires on July 31, 2003 so the Administration will continue with the default proceedings. He stated that on Scott Rakow the consultant's agreement expired in May 2002, there were some errors and omission on the project so they have agreed to wave all fees they would be entitled to be paid for May 2002 to July 2003 for approximately \$50,000 to \$60,000 for additional service fees.

Commissioner Gross asked the status of completion on this facility.

Tim Hemstreet, CIP Director, stated that Phase I should be finished very quickly and the ice rink portion

open by the end of August, 2003 and the assurity indicated that they will hire a construction manager to take over the subcontractor's work. He stated that Phase II will have to be worked around the parks and recreation's schedule because a lot of the work is interior renovations, office space, new elevator, restrooms and making the existing ice rink into an usable multipurpose area.

Commissioner Garcia suggested to the Administration that debarment procedures be started on this contractor. **Gus Lopez to handle.**

Tim Hemstreet, CIP Director, added that there should be enough funds to complete it.

Commissioner Gross stated that it should be a lump sum price for Corradino for the Normandy Isle Pool.

Jorge Gonzalez, City Manager, explained that he does not want to delay the Normandy Pool project and stated that any of the new contracts will not be handled this way, but there are a few contracts left in this situation.

- C7B A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Agreement With Morton Towers Apartment, LP, A Delaware Limited Partnership (Morton Towers), To Complete Required Public Streetscape And Stormwater Improvements On Both Sides Of Bay Road Between 14th And 16th Streets, With Morton Towers Contributing \$600,000 Toward The Cost Of The Improvements And The City Contributing Up To \$900,000 Associated With Stormwater Improvements; And Further Authorizing The Appropriation Of Said Amount From The Series 2000 Stormwater Revenue Bond Fund.
(Capital Improvements Projects)

ACTION: Resolution No. 2003-25264 adopted. Patricia Walker to appropriate funds. Tim Hemstreet to handle.

- C7C A Resolution Setting A Public Hearing To Consider Naming A Proposed Fountain To Be Constructed And Located Within Collins Park, In Memory Of The Late Joseph Nevel.
(City Manager's Office)

ACTION: Resolution No. 2003-25265 adopted. Public hearing scheduled for September 10, 2003. R. Parcher to notice. Liliam Hatfield to place on the Agenda. Mayra Diaz Buttacavoli to handle.

- C7D A Resolution Confirming The City's Policy To Use The Runzheimer Meal And Lodging Cost Index For Per Diem And Travel Expenses.
(City Manager's Office)

ACTION: Resolution No. 2003-25266 adopted. Patricia Walker to handle.

12:55:30 p.m.

- C7E A Resolution Setting A Public Hearing On September 10, 2003, To Hear Public Comment Regarding A Ground Lease Agreement Between The City Of Miami Beach And The New World Symphony For The Development Of A Portion Of The Surface Parking Lot, Bounded By 17th Street To The North, North Lincoln Lane To The South, Washington Avenue To The East And Pennsylvania Avenue To The West, For Construction Of An Approximately 50,000 Square Foot Educational, Performance And Internet Broadcast Facility With An Exterior Screen ("Soundspace"); Further To Consider A Waiver, By 5/7ths Vote, Of The Competitive Bidding And Appraisal Requirements, As Required By Section 82-39 Of The Miami Beach City Code, Finding Such A Waiver To Be In The Best Interest Of The City.
(Economic Development)

ACTION: Item heard in conjunction with item R7I. Resolution No. 2003-25267 adopted. Motion made by Commissioner Smith; seconded by Commissioner Garcia; Voice vote: 6-1; Opposed: Commissioner Steinberg. Public hearing scheduled for September 10, 2003. R. Parcher to notice. Liliam Hatfield to place on the Agenda. Christina Cuervo to handle.

See item R7I for discussion.

Handout or Reference Materials:

1. Letter from South Beach Hotel and Restaurant Association to Robert Parcher dated July 22, 2003, signed by David Kelsey.

- C7F A Resolution Authorizing The Expenditure Of Resort Tax Funds, In The Amount Of \$45,000, And Authorizing The Mayor And City Clerk To Execute The Attached Memorandum Of Understanding (MOU) Among The City, Miami-Dade County, The City Of Miami, And The City Of Coral Gables, For The Free Trade Area Of The Americas (FTAA) Ministerial And The VIII American Business Forum (ABF), Which Will Be Held In Miami-Dade County In November, 2003.
(Economic Development)

ACTION: Resolution No. 2003-25268 adopted. Christina Cuervo to handle.

- C7G A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Received Pursuant To Request For Proposals (RFP) No. 25-02/03, For The Management And Operation Of An Antique And Collectible Market On Lincoln Road; Authorizing The Administration To Enter Into Negotiations With The Firm Of Production SUD For Operation And Management Of Said Market On Lincoln Road; And Should The Administration Not Be Able To Negotiate An Agreement With Production SUD, Authorizing The Administration To Negotiate With The Second-Ranked Firm, Encore Events.
(Economic Development)

ACTION: Resolution No. 2003-25269 adopted. Christina Cuervo to handle.

- C7H A Resolution Authorizing The Administration To Issue A Request For Proposal (RFP) For Investment Advisory Services, For A Three-Year Period With Two One-Year Renewal Options.
(Finance Department)

ACTION: Resolution No. 2003-25270 adopted. Gus Lopez to issue the RFP.

Supplemental Materials - Resolution

- C7I A Resolution Approving And Adopting The Donation Of One (1) Used 1994 Ford F250 Pick Up Truck In "As Is" Condition To The Teen Job Corps, Inc.
(Fleet Management)

ACTION: Resolution No. 2003-25271 adopted. Drew Terpak to handle.

- C7J A Resolution Authorizing The City Manager Or His Designee To Submit Grant Applications For The Following Funds: 1) Save America's Treasures, For Renovation Of Old City Hall; 2) Miami -Dade Tourist Development Council For The City's Fourth Of July Event 3) Miami-Dade Tourist Development Council For The City's Thanksgiving Day Parade; 4) The Miami Beach Visitors And Convention Authority For The City's Thanksgiving Day Parade; 5) The Miami Beach Visitors And Convention Authority For The La Cumbre De Turismo Event; 6) Miami-Dade Transportation Enhancement Program For The Northern Gateway Of The Atlantic Corridor; 7) Florida Department Of State For Emergency Funding For The Renovation Of Old City Hall; 8) State Of Florida Department Of Community Affairs, Division Of Emergency Management For Emergency Training; 9) Miami-Dade County Homeless Trust For Supportive Housing Programs; 10) The Federal Mediation And Conciliation Service, For Labor Management Training; 11) State Of Florida Department Of State For FY 2004 Funding For The Colony Theater Renovations; 12) State Of Florida Department Of State Funding For FY 2004 Funding For The Byron-Carlyle Theater Renovations; And, 13) Confirming The City Commission's Support For The Grant Application Submitted By Miami Beach Community Development Corporation (MBCDC) For Miami -Dade County Community Development Block Grant (CDBG) Funds For Renovation Of The Byron-Carlyle Theater; While Leveraging Previously Appropriated Grant Funds As Needed; Further Appropriating The Grants If Approved And Accepted By The City And Authorizing The Execution Of All Necessary Documents Related To These Applications.
(Grants Management)

ACTION: Resolution No. 2003-25272 adopted. Judy Hoanshelt to submit grant applications. Patricia Walker to appropriate the funds if awarded and accepted by the City.

- C7K A Resolution Authorizing The Reappointment Of Raymond Adrian For The One-Stop Partner, Senior Community Services Employment Program (SCSEP) Seat To The South Florida Workforce Board.
(Human Resources)

ACTION: Resolution No. 2003-25273 adopted. T.C. Adderly to handle.

5:03:54 p.m.

- C7L A Resolution Calling For A Special Election To Be Held On Tuesday, November 4, 2003, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether Article VII And VIII Of The City's Related Special Acts Regarding The Firefighters' Relief And Pension Fund And The Police Officers' Relief And Pension Fund Should Be Amended To Delete Certain Restrictions Concerning The Investment And Allocation Of Pension Fund Assets, And To Substitute Therefore Language Authorizing The Pension Board To Exercise, In A Prudent Manner, Independent Judgment In Allocating And Investing Funds?

(Human Resources)

ACTION: Item separated to be heard with other November 4 ballot items. Resolution No. 2003-25274 adopted. Motion made by Commissioner Steinberg; seconded by Vice-Mayor Bower. Voice vote: 7-0. R. Parcher to transmit to Miami-Dade County Elections Department.

- C7M A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Agreement, For Fiscal Year 2002-2003, With Sigma Communications, Inc., In The Amount Of \$55,300.00, With The Sole Source Provider Pursuant To Section 2-367 (c) Of The Reverse 911® Community Notification System, Which Includes Five (5) Years Of Hardware/Software Maintenance And Support.

(Information Technology)

ACTION: Resolution No. 2003-25275 adopted. Kay Randall to handle.

- C7N A Resolution Authorizing The Issuance Of A Request For Proposals (RFP) For The Development And Implementation Of A Citywide Corporate Marketing And Sponsorship Program.

(Parks and Recreation)

ACTION: Resolution No. 2003-25276 adopted. Gus Lopez to issue the RFP.

- C7O A Resolution Retroactively Approving The Actions Of The Administration With Respect To Finding And Declaring The Existence Of A Parking Emergency With Respect To The Bayview Condominium Parking Garage Reconstruction Located At 1345 Lincoln Road; And Further Declaring The Existence Of A Parking Emergency On The Following Specified Dates With Respect To The Increased Traffic And Parking Demand Caused As A Result Of This Reconstruction From July 14, 2003 Through July 18, 2003; Allowing For The Provision Of The Vacant Lot Located At 17th Street And West Avenue Owned By The Housing Authority To Be Utilized To Satisfy Said Increased Demand; Provided That The City Shall Further Require Parking Operators To Secure The Appropriate Security, Insurance And Occupational Licenses Required By The City Code To Operate Self-Parking Operations For The Purposes Set Forth In This Resolution.

(Parking Department)

ACTION: Resolution No. 2003-25277 adopted. Saul Frances to handle.

7:41:57 p.m.

Supplemental Materials (Resolution and Electronic Correspondence)

C7P A Resolution Rejecting All Proposals For The Management And Operation Of The North Shore Tennis Center As Submitted Pursuant To Request For Proposals (RFP) No. 8-00/01; Further Approving, By 5/7ths Vote, A Waiver Of Competitive Bidding For The Professional Tennis Management And Operations Of The North Shore Park Tennis Center, Finding Such Waiver In The Best Interest Of The City, And Authorizing The Administration To Negotiate A First Amendment To The Current Green Square, Inc. Management Agreement For The Comprehensive Professional Tennis Management And Operations Services At The City's Flamingo Park Tennis Center, To Include The Tennis Management And Operations For The North Shore Park Tennis Center; Providing That Said Agreement Be Reviewed By The City Attorney's Office And The City's Bond Counsel For Compliance With Any And All Requirements Of Any Public Monies Used To Improve The Tennis Facilities; Further Authorizing The City Manager To Execute Said Agreement If Negotiations Are Finalized During The August Recess Of The City Commission.
(Parks & Recreation)

ACTION: Item separated for discussion by Commissioner Gross. Resolution No. 2003-25278 adopted. Motion made by Commissioner Cruz; seconded by Vice-Mayor Bower; Voice vote: 7-0. Gus Lopez to notify bidder. Kevin Smith to handle.

Commissioner Gross stated that there is a lesson to be learned from this. He explained that at the time this contract was presented, all the losing bidders stated that the deal made by Green Square Inc. was impossible to keep, they did not understand the cost of operating the tennis facility; that Green Square Inc. was just inflating the offer to the City and now a year later they are coming back for \$50,000. He stated that the lesson to be learned is that if somebody is offering something that seems too good to be true, it usually is. He stated that he wants to highlight the fact that 1) the deal is getting substantially worse for the City and for the taxpayers and 2) the City had offered the North Shore facility to Richard Johnson and would like an update as to why that changed.

Jorge Gonzalez, City Manager, explained that when this deal was evaluated the financial aspect of it was not the only criteria, there were other elements taken into consideration such as quality of service and there has not been a single complaint about the service at Flaming Park. He explained that the financial part is only about 25% of the evaluation criteria and they presented an overall better package.

Commissioner Smith agreed with Commissioner Gross and stated that he has talked to the City Manager because the City is involved in sensitive discussions with other people that want to renegotiate contracts with the City and this may be cited as a precedent.

Jorge Gonzalez, City Manager, explained that basically Mr. Johnson wants to be an employee of the City and the City covers all of the costs which was the arrangement that used to exist at Flamingo Park.

Commissioner Steinberg suggested the Administration to call Mr. Richard Johnson to find out if he is willing to live up to the terms of his RFP.

Bob Middaugh, Assistant City Manager, stated that Mr. Johnson will agree, but is a bad deal for the City.

Commissioner Garcia wonders if the Administration has dealt in good faith with Mr. Johnson.

Bob Middaugh, Assistant City Manager, stated the he personally met with Mr. Johnson and tried to negotiate and the Administration had dealt in good faith with Mr. Johnson.

Commissioner Cruz stated that the City should move forward on this and that the City cannot accept deals that are not advantageous to the City.

Commissioner Garcia stated that he does not want the Administration coming back for any other increases for this management company.

Bob Middaugh, Assistant City Manager, stated that he cannot make that promise.

Handout or Reference Materials:

1. Analysis of Green Square modification of Agreement/Economic Impact to the City of Miami Beach.

8:17:15 p.m.

C7Q A Resolution Ratifying A Contract, In The Amount Of \$89,750, With Falcon Fire Protection, Inc., For The Installation Of A Fire Sprinkler System In The Byron Carlyle Theater.

(Public Works)

(Deferred From July 2, 2003)

ACTION: Item separated for discussion by Commissioner Gross. Resolution No. 2003-25279 adopted with a progress report on the Colony Theater construction to be added to the September 10 Agenda. Motion made by Vice-Mayor Bower; seconded by Commissioner Smith; Voice vote: 7-0. Liliam Hatfield to place on agenda. Fred Beckmann to handle.

Commissioner Gross stated that the completion date is scheduled for March 2004; he thought it would be March 2003. He asked for the plans for operating the theater.

Brad Judd, Property Management Director, stated that there was a permitting delay of four months.

Jorge Gonzalez, City Manager, stated that when the City acquired the building, there were two analysis made; one to find out whether the City should buy and the value of the property, and two to decide what could be done with the property. He explained that when the property was acquired the Administration informed the Commission that there will be approximately \$75,000 subsidy in the operating General Fund when the facility is open, assuming that there would be commercial activity on the ground floor that would generate some revenues and that the project will be completed entirely. He stated that Phase II of the project will soon be completed and there will be a functioning theatre on the ground floor and Phase I was the office space on the ground floor. He explained that now the Administration is negotiating with MSG the overall contract at the Convention Center and TOPA and the RFP included facilities management services for some of the other cultural facilities. He explained that the Tourism and Cultural Affairs Department has started to restructure how the City manages the cultural facilities, art festivals, etc. and the idea is to perhaps have a City employee such as a Facilities Manager to oversee all of the facilities.

Commissioner Cruz asked if there is any strategic planning for programming that will make this project viable.

Christina Cuervo, Assistant City Manager, stated that the City is engaged and meeting with a firm called IMS and they are doing strategic planning of the City's cultural facilities and will bring this back to the Commission.

Commissioner Cruz requested to see the strategic planning report when it is completed to find out what is the City's vision of all of the cultural arts facilities.

Commissioner Gross asked what needs to be done to bring the building up to code to include retail spaces.

Brad Judd, Property Management Director, stated that it is complex, because of the 50% rule, it will require everything including the building structure, redo the roof, the flood plan elevations, and since the building has no historic value there could not be a waiver.

Commissioner Smith asked the Administration to move forward because March 2004 is a long time away.

Jorge Gonzalez, City Manager, stated that in fairness to Brad, this has been a very challenging project. He explained that it was subdivided into three different phases and it has never had full funding. He explained that the issue of programming is not Brad's issue and he will build a fine facility and deliver it in the same quality manner that he does all his other work. He further stated that the City knew going into it that there were going to be challenges with this projects; the funding was not there, Brad has had union issues, he had to contract out all the work and this has cost him in union grief untold heartache.

Commissioner Gross stated that he is concerned with the fact that no one is occupying the building; there is no activity on the street and there is lack of programming planning for when the building opens in March.

Commissioner Cruz stated, for the record, that if the Colony Theater is that big of a problem he is willing to put it up for auction and sell it, because if the City cannot maintain it and it costs money, the City should not be in this business of running projects that generate no revenues and it cost the General Fund. He stated that as it is, the City will have the Bass Museum, the Scott Rakow Youth Center with the new Ice Skating Rink and the North Youth Center; these are projects that are community based projects and most of them for the North Beach area. He explained that under the current Commission a lot of money has been spent in the North Beach area.

Commissioner Smith agreed with Commissioner Cruz but stated that north of Dade Boulevard there are no cultural venues in the North Beach area and to make this a better community, a world class community, there needs to be more cultural venues. He stated that if the City needs to spend some money to provide this service to the community, it is a worthwhile City project.

Commissioner Cruz stated that there should be an effort made that in order to financially help some of the organizations they need to relocate to the North Beach area. This is within the City's purview if funding the organizations; it helps the area and the City as well.

Commissioner Gross requested a progress report on the Colony Theater construction on the September 10 Agenda. Liliam Hatfield to place on Agenda. **Tim Hemstreet to handle.**

- C7R A Resolution Ratifying A Contract In The Amount Of \$134,430, To Sound Concepts, Inc., For The Installation Of A Stage And The Associated Stage Rigging In The Byron-Carlyle Theater.
(Public Works)
(Deferred From July 2, 2003)

ACTION: Resolution No. 2003-25280 adopted.

- C7S A Resolution Ratifying Standing Orders In The Total Amount Of \$43,450, To Lango Equipment Service, Inc., To Provide For Demolition Services In The Byron-Carlyle Theater.
(Public Works)
(Deferred From July 2, 2003)

ACTION: Resolution No. 2003-25281 adopted.

- C7T A Resolution Amending Resolution No. 2002-24762, Dated February 14, 2002, Which Established The

Citizens Ad Hoc Committee To Participate In The Review Of The City Of Miami Beach Concurrency Management System (CMS); And Extending The Committee's Term For An Additional Six Months, Or Upon Completion Of The Review Of The CMS And Forwarding Recommendations To The Land Use And Development Committee, Whichever Is Earlier.

(Public Works)

ACTION: Resolution No. 2003-25282 adopted. Fred Beckmann to handle.

C7U A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Agreement With Kelley Swofford Roy, Inc., As The Selected Proposer Pursuant To Resolution No. 2003-25179, For Public Relations Services And Marketing And Communications Consulting Services For The City Of Miami Beach, In The Amount Of \$50,000.00 With An Option To Renew For One-Year, For A Fee Not To Exceed \$100,000.00.

(Tourism and Cultural Development)

ACTION: Resolution No. 2003-25283 adopted. Donna Shaw to handle.

8:37:38 p.m.

C7V A Resolution Appropriating \$150,000 For Renovation Costs Associated With The First Floor Of Historic Old City Hall For Use By The City's Police Department And Funds Advanced From The General Fund Undesignated Fund Balance And To Be Repaid From Police Department Revenues, At The Rate Of \$50,000 Per Year, For A Period Of Three Years.

(Public Works)

ACTION: Item separated for discussion by Commissioner Garcia. Resolution No. 2003-25284 adopted. Motion by Commissioner Smith; seconded by Vice-Mayor Bower; Voice vote: 6-1; Opposed: Commissioner Garcia. Patricia Walker to appropriate the funds. Fred Beckmann and Chief De Lucca to handle.

Commissioner Garcia asked who is doing this project.

Jorge Gonzalez, City Manager stated that this project is being done through a Job Order Contracting which is a firm that allows the City to have pre qualified vendors in place, it has been pre priced and they have certain contract requirements they have to abide by. He explained that the question is if office space is the best use for the space that is why is only being done for three years. This should be a retail space but unfortunately in its current condition inside and outside does not warrant any lease perspectives. He stated that it is best to invest rehabbing the interior, relocate the police to this facility and use the \$50,000 a year now paid in rent to help upgrade the interior space and try to secure external funding to build the outside of the building.

Commissioner Garcia stated that the work needed to rehab the inside and convert the space into offices will take more than \$150,000 and the Administration will be coming back for more money.

Jorge Gonzalez, City Manager, stated that it is a very open plan with partitions and no full walls.

Commissioner Gross stated that the bigger problem is that the outside of the building has been allowed to deteriorate to an estimated \$1.5 million and this is a historic building which has been badly maintained and not well managed by the City; there is scaffolding that has been blocking the sidewalk on Washington Avenue for three or four years and there is no money to do anything to the outside of the building.

End of Consent Agenda

REGULAR AGENDA

R5 - Ordinances

1:25:12 p.m.

R5A An Ordinance Amending Chapter 30 Of The Miami Beach City Code, Section 30-76(B) Entitled "Mitigation", By Providing That Mitigation Requests Must Be Filed Within One Year Of The Entry Of The Special Master Order Imposing The Fine; By Deleting The Ability Of The City And The Violator To Agree To Allow The Mitigation Request Be Filed After The One Year Period Has Lapsed; And By Deleting The Requirement Of City Commission Approval Of Mitigations In Excess Of \$100,000; Providing For Repealer, Severability, Codification, And An Effective Date. **10:40 a.m. Second Reading, Public Hearing.**

(City Manager's Office)
(First Reading On July 2, 2003)

ACTION: Public Hearing held. **Ordinance Number 2003-3419 adopted.** Motion made by Vice-Mayor Bower; seconded by Commissioner Smith; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code Corporation. Robert Middaugh to handle.

Handout or reference materials:

1. Notice of Ad in Miami Herald

2:01:47 p.m.

R5B Occupational License, Annual Fire Safety And Certificate Of Use Ordinances.

1. An Ordinance Amending Chapter 102 Of The City Code, Entitled "Taxation"; Amending Division IV Therein, Entitled "Tax"; Amending Article V Therein, Entitled "Occupational License Tax"; Amending Section 102-379 Therein, Entitled "Schedule Of Taxes"; Said Amendment Providing For An Increase In Fees Charged Annually For Occupational Licenses Of Five Percent (5%) Every Other Year (Rounded To The Nearest Dollar), Effective On October 1, 2003 (Fiscal Year 2003-04); Further Increased By 5% Every Other Year On October 1 Until Such Fees Have Caught Up With The Cumulative Change In Consumer Price Index (CPI) Measured Between June 1994 Through March 2003, Which Is 24.5%; Providing For Another Change Equal To The Cumulative Percent Change In CPI From March 2003 To September 2011; Further Adding A n Annual Fee Category For Adult Entertainment Establishment; And Adding A Classification And An Annual Fee Category For Nightclubs (Or A Version Of Dancehall License, As Defined In The City's Zoning Ordinance); Providing For Repealer, Severability, Codification, And An Effective Date. **11:00am Second Reading, Public Hearing.**

ACTION: Public Hearing held. **Ordinance Number 2003-3420 adopted.** Motion made by Commissioner Smith; seconded by Commissioner Steinberg; Ballot vote: 4-2; Opposed: Commissioners Garcia and Gross; Absent: Commissioner Cruz. R. Parcher to transmit to Municipal Code Corporation. Patricia Walker to handle.

Steve Polisar, Chairman of the Nightlife Task Force, spoke.

Commissioner Cruz asked the City Manager what is this new fee targeting.

Jorge Gonzalez, City Manager, stated that the City spends over \$75,000 in overtime doing night inspections of the night clubs to make sure that they are not over the occupancy limits, that the exits are

not blocked etc. He explained that the direction from the Finance and Citywide Project Committee was that instead of a fee, this should be handled through the Occupational License.

Bea Kalstein spoke.

Floyd Jordan, Fire Chief, explained that the purpose of the annual fire inspection fee is to offset the cost of providing the Fire Prevention Program for inspections of all commercial properties, multiple unit apartment buildings, etc. He stated that it costs \$2.3 millions a year to fund the Fire Prevention Program, and the \$300,000 a year from the annual inspection fees helps offset that cost.

Commissioner Garcia stated that this fee was to enhance the Fire Prevention Program, not to fund it, and asked the Chief Jordan what enhancements have been added.

Chief Jordan stated that Fire Prevention has been enhanced with three new fire plan analysts; this increased from two to five plan analysts.

Commissioner Garcia stated that increasing the positions due to growth is not an enhancement to the program. He asked Chief Jordan what program enhancements in particular have been added.

Chief Jordan explained that the inspection program was enhanced by providing inspections after hours and on weekends.

Roman Jones, from Opium Gardens, spoke.

Vice-Mayor Bower asked the Administration what would happen if taxes raised by the homeowners could be used for services to homeowners and taxes raised by the businesses could pay for all the services provided to them.

Jorge Gonzalez, City Manager explained that all of the Ad-Valorem taxes collected are not enough to cover for Police and Fire.

Vice-Mayor Bower stated that citizens and businesses are all together in the City and sometimes services and revenues overlap; residents sometimes benefit by taxes collected by businesses and vice versa. She stated that she is upset at the raising of the recreation and park fees for the children and that she is voting for all the taxes to be raised including the ones she does not want to increase, which are the Park and Recreation fees.

Commissioner Garcia stated that he is writing a memorandum under the Freedom of Information Act requesting the Administration to provide him with: 1) a table of organization for the entire City for the years 1999 to 2004, 2) the yearly salaries for all the positions of Division Head or higher including all of the personnel in the City Manager's Office and 3) identify all the positions of \$100,000 as compared from 1999 till now.

Commissioner Smith asked the Administration to explain that these numbers were not reached out of thin air and being imposed on nightclub owners; the City has Police, Fire and Sanitation expenses that are in direct proportion with the amount of business that goes on these establishments, and it is only fair that if those establishments generate the expenses for the City, it is fair that those establishments pay for that. It should not be up to the residents paying real estate taxes to subsidize Police, Fire and Sanitation services that are directly attributable to the activities that go on at the nightclubs. He also stated that the Administration had justified these fees.

David Wallack, owner of Mangos Café, spoke.

David Kelsey spoke.

Handout or reference materials:

1. Notice of Ad in Miami Herald

7:08:54 p.m.

2. An Ordinance Amending Chapter 50 Of The City Code, Entitled "Fire Prevention And Protection"; Amending Section 50-5, Entitled "Annual Fire Prevention And Fire Safety Inspection Permit"; Amending Subsection 50-5(d) Thereof, Entitled "Fees"; Amending Appendix A, As Referred To Therein; Said Amendments Providing For An Increase In Fees Charged For Fire Safety Permits Of Fifteen (15%) Percent, Commencing On October 1, 2003 (Fiscal Year 2003-04); Providing For Repealer, Severability, Codification, And An Effective Date. **11:05 a.m. Second Reading, Public Hearing**

ACTION: Public Hearing held. **Ordinance Number 2003-3421 adopted.** Motion made by Commissioner Smith; seconded by Vice-Mayor Bower; Ballot vote: 5-1; Opposed: Commissioner Garcia; Absent Commissioner Cruz. R. Parcher to transmit to Municipal Code Corporation. Patricia Walker to handle.

Fire Chief Floyd Jordan spoke.

Handout or reference materials:

1. Notice of Ad in Miami Herald

7:14:03 p.m.

3. An Ordinance Amending Chapter 14 Of The City Code, Entitled "Building Regulations"; Amending Division II Therein, Entitled "Permit Fees"; Amending Section 14-426 Therein, Entitled "Annual Facility Permit"; Amending Subsection 14-426(3)(g) Providing For "Certificate Of Use Fees"; Amending Appendix A Therein; Said Amendment Providing For An Increase In Said Fees For Certificates Of Use Of Ten Percent (10%), Effective On October 1, 2003 (Fiscal Year 2003-04); Providing For Another Ten Percent (10%) Increase, Effective On October 1, 2004 (Fiscal Year 2004-05); Providing For Another Ten Percent (10%) Increase, Effective On October 1, 2005 (Fiscal Year 2005-06); Effective On October 1, 2006 (Fiscal Year 2006-07), Providing For Another Increase Equal To The Cumulative Percent Change In The Consumer Price Index (CPI) From March 2003, To September 2006; Providing For Repealer, Severability, Codification, And An Effective Date. **11:10 a.m. Second Reading, Public Hearing**

(Finance Department)

(First Readings On July 2, 2003)

ACTION: Public Hearing held. **Ordinance Number 2003-3422 adopted.** Motion made by Commissioner Steinberg; seconded by Vice-Mayor Bower; Ballot vote: 5-2; Opposed: Commissioners Garcia and Gross. R. Parcher to transmit to Municipal Code Corporation. Patricia Walker to handle

Commissioner Gross stated he thought the increase would be 10% but now it is 30% and he does not remember this happening at the Finance and Citywide Projects Committee.

Commissioner Smith stated that this should be consistent with the other fees and that after the CPI reaches a certain level, bring to consider raising it or not.

Commissioner Garcia added his disappointed with raising the fees.

Jorge Gonzalez, City Manager, stated that the Administration is following the direction of the Finance and Citywide Projects Committee and at the first reading of this fee, it was directed that the Administration

remove the escalator cost.

Commissioner Steinberg stated that the Finance and Citywide Projects Committee meeting the focus was not on the 30% but on the collective nature of the fees and what different businesses together add up to and it was also understood that instead of doing it all in one year, that it will be spaced out over a period of time. He also stated that at the last Commission meeting it was discussed to do the initial catch up and have the subsequent increases be brought up for review instead of doing the increase automatically.

Commissioner Gross stated that the Certificate of Use process needs to be improved and computerized and enable the citizens to get licenses and certificates of use over the internet particularly on renewals. He also stated that instead of looking at other municipalities, we should be looking at what is the cost to provide the service. **Patricia Walker to handle.**

Commissioner Gross amended the motion to 10% for one year only. No second offered.

Discussion continued.

Benita Argos spoke.

Motion made by Commissioner Steinberg at 3/10% back to the original motion.

Handout or reference materials:

1. Notice of Ad in Miami Herald

1:26:29 p.m.

R5C An Ordinance Amending Chapter 82, Entitled "Public Property"; Amending Article IV Therein, Entitled "Uses In Public Rights-Of-Way"; Amending Division V Therein, Entitled "Sidewalk Cafes"; Amending Section 82-383 Therein, Entitled "Tax Renewal Fee; Penalties For Late Payments For Renewal Fee"; Further Amending Appendix A To Section 82-383; Said Amendments Increasing The Annual Fee For Establishing Or Maintaining A Sidewalk Café (As Said Fees Are Set Forth In Appendix A) Based Upon Per Square Foot Of Usable Sidewalk Area, Including The Areas Between Tables And Chairs, To \$12.50 Per Square Foot, Commencing On October 1, 2003 (Fiscal Year 2003-04); Providing For An Increase Of Said Annual Fee To \$15.00 Per Square Foot, Commencing On October 1, 2004 (Fiscal Year 2004-05); Providing For Repealer, Severability, Codification, And An Effective Date.

11:15 a.m. Second Reading, Public Hearing.

(Finance Department)

(First Reading On July 2, 2003)

ACTION: Public Hearing held. **Ordinance Number 2003-3423 adopted as amended.** Motion made by Commissioner Smith; seconded by Commissioner Steinberg; Ballot vote: 6-1; Opposed: Commissioner Garcia. R. Parcher to transmit to Municipal Code Corporation. Patricia Walker to handle.

Amendment: (82-383 (b))

Commissioner Gross requested that the following be added: The City Manager or his designee may suspend or prorate the annual permit fee in cases of public construction or emergency situations and will include suspending the fees on Washington Avenue when under construction.

David Kelsey spoke.

Harold Rosen spoke.

Bea Kalstein spoke.

David Wallack owner of Mangos Café spoke.
Mallory Kauderer spoke.
David Kelsey spoke on the concurrency issue and stated that he opposes the increases.

Handout or reference materials:

1. Notice of Ad in Miami Herald

9:49:06 p.m.

R5D An Ordinance Amending Chapter 142 "Land Development Regulations" Of The City Code, Division 7, CCC Civic And Convention Center District, Of The Land Development Regulations Of The City Code In Order To Allow Waivers Of Development Regulations By A Five-Sevenths Vote Of The City Commission For Developments Pertaining To Government-Owned Or Leased Buildings, Uses And Sites Which Are Wholly Used By, Open And Accessible To The General Public, Or Used By Not-For-Profit, Educational, Or Cultural Organizations, Or For Convention Center Hotels, Or Convention Center Hotel Accessory Garages, Or City Utilized Parking Lots, Provided They Are Continually Used For Such Purposes; And To Amend The Public Notice Requirements For Such Waivers, Providing For Codification, Repealer, Severability And Effective Date. **2:00 p.m. First Reading, Public Hearing.**

(Planning Department)

ACTION: Motion made by Commissioner Gross to open and continue the first Public Hearing to September 10, 2003 at 2:00 p.m. ; seconded by Commissioner Smith; Voice vote: 7-0. Liliam Hatfield to place on the Commission Agenda. Jorge Gomez to handle.

Commissioner Smith stated that he has no problems treating the CCC and the GUI at the same. He also stated that some of the comments made by members of the Planning Board were inappropriate and undermines the confidence the community has in this Commission.

Handout or reference materials:

1. Notice of Ad in Miami Herald
2. Fax memo from South Beach Hotel and Restaurant Association from David Kelsey to the City Clerk dated July 3, 2003/Reference: Sidewalk Café, Occupational License, Fire Safety and Certificate of Use Fees.

9:57:20 p.m.

- R5E An Ordinance Amending Chapter 122 Of The Miami Beach City Code Entitled "Concurrency Management," By Amending Section 122.8(d) Therein To Allow For The Adoption Of Programs Or Policies Allowing Exemptions From Transportation Concurrency Requirements For Small Businesses Which Impacts To The Existing Roadway Level Of Service Have Been Determined To Be Minor; Providing For Repealer, Codification, Severability And An Effective Date. **First Reading.**
(Public Works)

ACTION: Ordinance approved on First Reading. Motion made by Vice-Mayor Bower; seconded by Commissioner Gross; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for September 10, 2003. R. Parcher to notice. Liliam Hatfield to place on the Commission Agenda. Fred Beckmann to handle.

Handout or reference materials:

1. Fax memo from South Beach Hotel and Restaurant Association from David Kelsey to the City Clerk dated July 3, 2003/Reference: Sidewalk Café, Occupational License, Fire Safety and Certificate of Use Fees.

8:03:07 p.m.

ADDENDUM ITEM:

- R5F An Ordinance Amending Ordinance No. 1605 As Amended, Being The Unclassified Employees Salary Ordinance; By Amending The Titles Of The Classifications Of First Assistant City Attorney To Assistant City Attorney And Assistant City Attorney II To Assistant City Attorney (II); Abolishing The Titles Of The Classifications Of Assistant City Attorney I And Senior Assistant City Attorney; Correcting The Public Record By Deleting Certain Lines; And Providing For Repealer, Severability, Effective Date, And Codification. **First Reading.**

(City Attorney's Office)

(Memorandum And Ordinance)

ACTION: Ordinance approved on First Reading. Motion made by Vice-Mayor Bower; seconded by Commissioner Cruz; Ballot vote: 6-1; Opposed: Commissioner Gross. Second Reading and Public Hearing scheduled for September 10, 2003. R. Parcher to notice. Liliam Hatfield to place on the Commission Agenda. Legal Department to handle.

R7 - Resolutions

2:01:15 p.m.

- R7A A Resolution Approving And Officially Adopting The North Shore Neighborhood Basis Of Design Report (BODR) And Addendum No.1, Which Defines And Describes G.O. Bond, Water And Sewer Bond, And Section 108 Loan Funded Capital Improvements To Be Implemented Through The North Shore Right Of Way Improvement Project.

(Capital Improvements Projects)

ACTION: Resolution No. 2003-25285 adopted. Motion made by Commissioner Steinberg; seconded by Vice-Mayor Bower; Voice vote: 7-0. Tim Hemstreet to handle.

12:57:58 p.m.

- R7B A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To The Agreement Between The City Of Miami Beach And URS Corporation - Southern, Dated June 27, 2001 To Provide Program Management Services For The Design And Construction Of A Multipurpose Municipal Facility To Be Constructed In The Parking Lot Adjacent To City Hall In An Amount Not To Exceed \$1,003,882; And Further Appropriating Funds From The Parking Enterprise Fund For Said Amendment.
(Capital Improvements Projects)

ACTION: Resolution No. 2003-25286 adopted. Motion made by Commissioner Steinberg; seconded by Vice-Mayor Bower; Voice vote: 5-0; Absent: Commissioners Garcia and Gross. Tim Hemstreet to handle.

6:53:32 p.m.

- R7C A Resolution Appropriating Funds In An Amount Not To Exceed \$35,000 From South Pointe Redevelopment Tax Increment Funds For Construction Costs For The Victory Garden. **Joint City Commission And Redevelopment Agency.**
(Capital Improvements Projects)

ACTION: Heard in conjunction with RDA Item 3C and R9E. Discussion held. Resolution No. 2003-25287 adopted. Motion made by Commissioner Gross; seconded by Vice-Mayor Bower; Voice vote: 5-0; Absent: Commissioners Cruz and Garcia. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

4:30:06 p.m.

CHARTER REVIEW BALLOT QUESTIONS:

R7D

- 1) A Resolution Calling For A Special Election To Be Held On Tuesday, November 4, 2003, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether The City Charter Should Be Amended To Include Within The Citizen's Bill Of Rights A Policy Statement Of The City To Conserve And Protect Its Natural Resources And Scenic Beauty, Including The Abatement Of Air And Water Pollution And Of Excessive And Unnecessary Noise.
(City Attorney's Office)

ACTION: Will be considered for a future ballot after November 4, 2003 Special Election.

4:32:47 p.m.

- 2) A Resolution Calling For A Special Election To Be Held On Tuesday, November 4, 2003, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether City Charter Section 2.01 Should Be Amended To Change The Run-Off Election Date From One (1) Week After The General Election To Two (2) Weeks After The General Election.
(City Attorney's Office)

ACTION: Resolution No. 2003-25289 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Steinberg; Voice vote: 7-0. R. Parcher to transmit to Miami-Dade County Elections.

- 3) A Resolution Calling For A Special Election To Be Held On Tuesday, November 4, 2003, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether City Charter Section 6.03 Should Be Amended To Require That Candidates For Elected Office In The City Of Miami Beach Reside In The City For At Least One Year Prior To Qualifying For Office.
(City Attorney's Office)

ACTION: Resolution No. 2003-25290 adopted. Motion made by Commissioner Steinberg; seconded by Vice-Mayor Bower; Voice vote: 7-0. R. Parcher to transmit to Miami-Dade County Elections.

- 4) A Resolution Calling For A Special Election To Be Held On Tuesday, November 4, 2003, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether That Language Contained In Section 2.03 Of The Miami Beach City Charter Granting Subpoena Power To The Miami Beach City Commission Should Be Deleted.

(City Attorney's Office)

ACTION: Resolution No. 2003-25291 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Smith; Voice vote: 7-0. R. Parcher to transmit to Miami-Dade County Elections.

- 5) A Resolution Calling For A Special Election To Be Held On Tuesday, November 4, 2003, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether City Charter Section 4.02(i) Regarding The City Manager's Power To Negotiate City Contracts And Agreements Be Amended By Deleting Language Subjecting Said Power To Approval Of The City Attorney, Retaining Language Requiring City Commission Approval Of City Manager Negotiations.

(City Attorney's Office)

ACTION: Will be considered for a future ballot after November 4, 2003 Special Election.

- 6) A Resolution Calling For A Special Election To Be Held On Tuesday, November 4, 2003, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether City Charter, Article V Thereof Regarding "Budget And Finance" Should Be Amended To Require That The City Commission Consider The Long Term Economic Impact (At Least Five Years) Of Legislative Acts.

(City Attorney's Office)

ACTION: Will be considered for a future ballot after November 4, 2003 Special Election.

- 7) A Resolution Calling For A Special Election To Be Held On Tuesday, November 4, 2003, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether Miami Beach Related Special Acts Section 2, Regarding Zoning Board Of Adjustment Should Be Amended By Deleting Reference To Two (2) Non-Voting Ex-Officio Members, And Instead Establishing Two (2) Members As Regular, Voting Members Appointed By The City Commission; Decreasing Number Of City Commission Votes Required For Appointment Of Board Members From 5/7ths Vote Of Commission To 4/7ths Vote; And Increasing Number Of Board Votes Required For Action From 4/5ths Vote To 5/7ths Vote.

(City Attorney's Office)

ACTION: Resolution No. 2003-25292 adopted as amended.

Amendments:

1. Motion by Commissioner Steinberg to delete reference to two (2) non-voting ex-officio members, and instead establishing two (2) members as regular, voting members appointed by the City Commission; seconded by Commissioner Smith; Voice vote: 7-0.
2. Motion by Commissioner Gross to appoint members by 4/7 vote; seconded by Commissioner Garcia; Ballot vote: 2-5; Opposed: Mayor Dermer, Vice-Mayor Bower, and Commissioners Cruz, Smith and Steinberg.
3. Motion by Commissioner Smith increasing number of board votes required for action to 5/7 vote; seconded by Vice-Mayor Bower; Voice vote: 7-0. R. Parcher to transmit to Miami-Dade County Elections.

- 8) A Resolution Calling For A Special Election To Be Held On Tuesday, November 4, 2003, For The Purpose

Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether City Of Miami Beach Related Special Acts, Article II Thereof Entitled "Public Library" And Article III Thereof Entitled "Municipal Projects", Be Deleted As Said Language Is Obsolete And/Or Redundant.

(City Attorney's Office)

ACTION: Will be considered for a future ballot after November 4, 2003 Special Election.

5:04:18 p.m.

R7E A Resolution Calling For A Special Election To Be Held On Tuesday, November 4, 2003, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether "Island View Park" (Located Generally At 18th Street And Purdy Avenue In Miami Beach) Shall Be Renamed "Maurice Gibb Memorial Park"?

(City Attorney's Office)

ACTION: Resolution No. 2003-25293 adopted. See referral. Motion made by Vice-Mayor Bower; seconded by Commissioner Steinberg; Voice vote: 7-0. R. Parcher to transmit to Miami-Dade County Elections.

Commissioner Garcia stated that he would like Fire Station #2 be named after Doctor Grossman once it is completed.

Motion made by Commissioner Garcia to refer this item to the Community Affair Committee; seconded by Vice-Mayor Bower; Voice vote: 7-0. Mayra Diaz Buttacavoli to place on the agenda and to handle. Legal Department to determine if a referendum is necessary.

7:06:39 p.m.

R7F A Resolution Appropriating \$56,307 From FY 2003/2004 South Pointe Tax Increment Funds For Additional Services To Be Provided Pursuant To The Program Management Services Agreement Between The City Of Miami Beach And Hazen And Sawyer, P.C., Approved Pursuant To Resolution No. 2001-24247/RDA Resolution No. 379-2001, As Amended June 27, 2001, Pursuant To Resolution No. 2001-24501/RDA Resolution No. 389-2001; Further Approving A Second Amendment To The Agreement To Provide Additional Professional Program Management Services; And Authorizing The City Manager To Execute The Second Amendment To The Agreement, In A Form To Be Approved By The Administration And The City Attorney. **Joint City Commission And Redevelopment Agency**

(Economic Development)

ACTION: Heard in conjunction with RDA Item 3B. Discussion held. Resolution No. 2003-25294 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Cruz. Patricia Walker to appropriate the funds. Christina Cuervo to handle.

7:07:55 p.m.

R7G A Resolution Authorizing The City Manager, Or His Designee To Select, Negotiate, Award And Reject All Bids, Contracts, Agreements, Purchase Orders, Change Orders And Grant Applications; Renew Existing Contracts Which May Expire; Terminate Existing Contracts As Needed; From The Last Commission Meeting On July 30, 2003, Until The First Regularly Scheduled Commission Meeting In September 2003, Subject To Ratification By The City Commission At Its First Regularly Scheduled Meeting In September 2003. **Joint City Commission And Redevelopment Agency.**

(Procurement)

ACTION: Heard in conjunction with RDA Item 3A. Resolution No. 2003-25295 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Commissioner Cruz. Gus Lopez to handle.

5:03:20 p.m.

R7H A Resolution Calling For A Special Election To Be Held On Tuesday, November 4, 2003, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether Article IX Of The City's Related Special Acts Regarding The City's Pension Fund For City Firefighters And Police Officers Should Be Amended, Contingent On Approval Of The Enhanced Benefits Funding Agreement By The Florida Division Of Retirement, To Allow Such Pension Fund Members To Designate A Beneficiary To Receive Optional Survivor Benefits, And To Provide A Lifetime Benefit For Members With A Minimum Ten Year Payment Period As The Normal Form Of Benefit?
(Human Resources)

ACTION: Resolution No. 2003-25296 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Garcia; Voice vote: 7-0. R. Parcher to transmit to Miami-Dade County Elections.

10:25:41 a.m.

R7I A Resolution Approving On First Public Reading, In Accordance With The Requirements Of Sections 163.3220 – 163.3243 Florida Statutes , Also Referred To As The Florida Local Government Development Agreement Act, A Proposed Development Agreement Between The City Of Miami Beach And The New World Symphony For The Development Of The Surface Parking Lot, Bounded By 17th Street To The North, North Lincoln Lane To The South, Washington Avenue To The East And Pennsylvania Avenue To The West, For Construction Of Approximately 50,000 Square Foot Educational, Performance And Internet Broadcast Facility With An Exterior Screen ("Soundspace"), And Approximately 320-Space (+/-) Public Parking Garage Facility; And Setting The Second Public Hearing For Consideration Of The Development Agreement On September 10, 2003. **10:00 a.m. Public Hearing**
(Economic Development)

ACTION: Item heard in conjunction with Item C7E. Public Hearing held. Resolution No. 2003-25297 adopted on First Reading. Motion made by Vice-Mayor Bower to approve the Development Agreement, and at the request of Commissioner Garcia, Bernard Zyscovich, Zyscovich, Inc., agreed to consider the alternative site suggested by David Kelsey; seconded by Commissioner Garcia; Voice vote: 6-1; Opposed: Commissioner Steinberg. Second Reading and second Public Hearing scheduled for September 10, 2003. R. Parcher to notice. Liliam Hatfield to place on the Commission Agenda.

Jorge Gonzalez, City Manager, stated that approximately three years ago the New World Symphony approached the City with a proposition and a vision to create a "Soundspace." This has developed into something magnificent that will bring a world renowned architect, Frank Gehry, to Miami Beach to build a \$40 million investment on a piece of public property. He explained that at the time of the proposition the City Commission engaged in a master planning process to update the entire City Center Master Plan-RDA. The Master Plan was adopted by this Commission and included a number of projects, the New World Symphony Soundspace project, the park, the parking garage, expansion of the Convention Center, and expansion to the Botanical Garden, etc. He stated that the key elements being discussed are the two surface parking lots to begin a development and a lease agreement that will allow building of a 50,000 square feet facility to be built and occupied by the New World Symphony. Two key elements were identified at the joint meeting of the Finance and Citywide Project Committee and the Land Use and Development Committee meetings: 1) the element of parking and the parking garage, 2) the date that the New World Symphony will be allowed to begin construction, and these need to be discussed first in order to proceed. He stated that the question that needs to be answered is; is the City receiving

adequate value for the City's investments in this partnership? Usually on this type of partnership arrangement there are costs on both sides, but the City stands to gain tremendously, not only what they will build, but for the benefits and services that the residents will receive from the in-kind contributions.

Christina Cuervo, Assistant City Manager, stated that there were key issues discussed at the Finance and Citywide Projects Committee in April and those have been incorporated into this Development Agreement; 1) There should be compatibility with the design and an optimal site plan brought back for review. It has been negotiated that the site plans will go back to the Planning Board for review and then to the City Commission for final approval. 2) Rental needs to be defined between now and the lease agreement but the New World Symphony has put forth \$780,000 of annual non-monetary benefit such as educational contributions, free public presentations, programming of the projection screen, and free concerts. 3) Parking cost: the City has negotiated a rate of \$12,250 per space with an additional 12.5 % allocation for soft costs and subject to an annual CPI escalation and this mitigates any outlay of cash by the City and protects the City from any incremental costs incurred in connection with this project being designed by a world renowned architect. She stated that the City is proposing that possession of the site cannot take place until replacement parking is completed. The New World Symphony is proposing a date of May 2006, but the Administration feels that 2007 is more appropriate. She stated that another major point is the adjacent lot, but the Administration is not prepared to discuss how this lot will be used.

Commissioner Smith stated that Section 3.2 (b) of the Development Agreement contains an incomplete sentence and Raul Aguila, First Assistant City Attorney, is aware of it. He wants to make sure that the sentence is fully completed.

Raul Aguila, First Assistant City Attorney, stated that the word "project" must be added to Section 3.2 (b) of the agreement.

Commissioner Gross requested that the Administration obtain a statement from the New World Symphony that they are in agreement with spending not less than \$40 millions in hard costs for the project, because soft costs in a project of this size could be \$7 to \$8 millions.

Howard Herring, President and CEO of the New World Symphony (NWS), stated that they understand that number, the cost estimates are still being done but they are confident that it is going to be at least \$40 million of construction cost with soft costs added to that number.

Commissioner Cruz recognized former Mayor Kasdin, present at the meeting, because Mayor Kasdin fought vigorously to keep those lots as open space.

Jorge Gonzalez, City Manager, stated that the City must first build the garage west of City Hall, since that will increase the parking space inventory and will allow the City to move the spaces used by the City in the 17th garage to the proposed garage west of City Hall.

Howard Herring, President/CEO of the New World Symphony (NWS), gave a PowerPoint presentation.

Jonathan Peterson from the New World Symphony (NWS) gave PowerPoint presentation.

Bernard Zyscovich, Zyscovich, Inc., spoke.

Vice-Mayor Bower stated, for the record, that she thought it was settled that Drexel Avenue would not be closed.

Bernard Zyscovich stated that this is not a simple answer. He understands that the design team is given two blocks to work out a plan. He will come back with alternatives for the Commission to approve.

Vice-Mayor Bower stated that she opposes closing Drexel Avenue and does not want to keep the people guessing as to what will happen. She asked, for the record, if this Commission is going to let the developers close Drexel Avenue.

Commissioner Cruz explained that he met with Mr. Zyscovich to request some green space and that Drexel Avenue be kept open. He explained that the architect should have carte blanche to create his vision.

Gary Knight, member of the Transportation and Parking Committee, spoke.

Michael Hardy, President of the Performing Arts Center of Greater Miami, spoke.

Ana Pineiro spoke.

Elizabeth Donnelly spoke.

George Neary, Director of Cultural Tourism at the Greater Miami Convention and Visitors Bureau, spoke.

David Kelsey presented an alternative site.

Bea Kalstein spoke.

David Wallack, owner of Mangos Café, spoke.

Deborah Desilets spoke.

Frank Del Vecchio spoke.

Minnette Benson requested that Christina Cuervo, Assistant City Manager, correct the minutes of the July 7th, 2003 Transportation and Parking Committee meeting by changing the sentence "To maintain a concurrency level ~~no lower than "D"~~", to "To maintain a concurrency level no higher than "D".

Former Mayor Neisen Kasdin spoke.

Ana Kasdin spoke.

Milton Montalvo spoke.

Dr. Roland Kohen spoke.

Paul Yates spoke.

Mallory Kauderer spoke.

Commissioner Steinberg asked the members of the New World Symphony group if they are willing to consider the alternate site and the sites proposed today. They responded that they would consider alternate sites.

Commissioner Smith stated that visibility, access and linkage are important, and asked Mr. Zyscovich his opinion based on this of the alternate sites.

Mr. Zyscovich stated that moving musical instruments between the buildings is an important issue and also a security issue. The visibility of the building is an issue, and the building needs to be part of Lincoln Road.

Commissioner Garcia stated that it would be a disservice to the project to place limitations. He proposes to approve the project without being land locked and review all the designs before making a final decision.

First Motion:

Motion made by Commissioner Garcia to approve the Development Agreement in principle without any limitations including the alternative sites; seconded by Vice-Mayor Bower. Discussion continued. (No vote taken). Motion failed because as per the City Attorney it will have to be back for first reading after advertising the alternative sites.

Commissioner Cruz added that he has looked at the alternative site suggested David Kelsey and he is convinced that it does not work.

Amendment to the First Motion:

Commissioner Gross stated that on the motion there are two issues unresolved in the City Manager's memo 1) the exact nature of the parking contribution with the City contributing \$12,250 per space plus 12.5% of the soft costs, and 2) the date which the New World Symphony will get possession of the lot. He wanted to clarify for the record that the motion includes the May 30, 2007 date as the starting date, provided they have the building permit. Both of these items are recommended by the Administration in the Development Agreement.

Commissioner Garcia accepted the clarification to the amendment made by Commissioner Gross.

Amendment No. 2 to the First Motion:

Motion made by Commissioner Steinberg to ask the New World Symphony to pay for their required parking; Seconded by Vice-Mayor Bower for discussion. Discussion continued.

Mayor Dermer asked the City Manager what is the plan for paying for the parking?

Jorge Gonzalez, City Manager, stated that the Administration will develop a funding plan and it will probably be a combination of parking bonds, parking impact fee monies; and RDA money. He stated that it is important that the City service the business community, which relies on the parking spaces, and also to invest for the future by allowing for the development of the cultural community. It was initially intended that the NWS would fund the project. During negotiations it became clear that the City of Miami Beach derives ancillary benefits from the project such as resort tax, the tourist benefit, and the benefit to the residents and the community. The money raised by the NWS should be put into the building to make it a spectacular focal. If the City can invest \$4.5 - \$5 million for the parking garage, the Administration believes it is a good investment for the City.

Commissioner Steinberg added that it is not wise to take public funds to pay for required parking for a private project, when there is a shortage of parking spaces citywide. He stated that he would not support this if it means taking funds that should be used to provide public parking and using the funds for a private project.

Commissioner Cruz stated that the City of Miami Beach has no more land to develop parking and the money in the parking fund needs to be used productively to help fund an organization that is bringing something back to the community.

Jorge Gonzalez, City Manager, stated that the future of the City is not acquiring land and building parking garages; the future of the City is finding development opportunities and building additional parking spaces within those developments. Due to the cost of land, the future of the City is buying spaces within private ventures. He stated that there is land owned by the City that can be developed into parking garages. The only parking garage being contemplated is the one west of City Hall which is part of this project. The value of the zoning required parking that is approximately \$2.5 million. The value of having the NWS build the garage, guarantee the maximum price, deliver a turnkey product to the City, and designed by Frank Gehry is worth the price. The project risk is on the private developer, the NWS.

Commissioner Steinberg explained that when he met with Howard Herring he asked him if the City asked the NWS to pay for the required parking, would it be a deal breaker. Mr. Herring could not say that it would. Why should the City pay for the parking when the NWS will pay?

Howard Herring, President and CEO of the New World Symphony (NWS), stated that if the NWS has to

pay for the parking garage, it is a deal breaker.

Vice-Mayor Bower stated that there is an item linked to this issue that went to the Planning Board to request a change of zoning and it failed. The parking requirements cannot be waived. She asked if the City has the funds to build the parking garage.

Jorge Gonzalez, City Manager, stated that the Development Agreement calls for the NWS to build, at minimum 320 parking spaces and to aggressively see if more spaces can be built. It is contemplated that the City would be able to fund that requirement. A waiver is needed to remove some complications in the bond covenant. There are issues that will need to be addressed which include having to go through Miami-Dade County because they issued the bonds used to build this property. It may cost some additional money because of the need to go through bond counsel, but it can be done.

Vote on the Amendment number 2 (New World Symphony to pay for their required parking): Ballot: vote: 2-5; Opposed: Mayor Dermer and Commissioners Cruz, Garcia, Gross and Smith. The amendment failed.

Murray Dubbin, City Attorney, stated that the original motion made by Commissioner Garcia to include the alternative site has not been noticed with the description of the alternative site. If the Commission wants to include the alternative site, this item will have to come back for first reading after noticing the alternative site.

Second Motion:

Motion made by Commissioner Steinberg to continue the item so it can be advertised with the alternative site. No second offered.

Commissioner Garcia asked if the Development Agreement could be approved, and have a gentlemen's agreement with the NWS to look at the alternative site proposed by Mr. Kelsey?

Mr. Zyscovich stated that there could be a gentlemen's agreement, but this is already complicated enough. He asked, do we really need to go through the drill of looking at the other site just to conclude that the site already identified, which Frank Gehry has endorsed and is working on, is the preferred site?

Jorge Gonzalez, City Manager, stated that the NWS will explore the alternative site and bring back, at the second reading, the pro's and con's associated with the site.

Third and final motion:

Motion made by Vice-Mayor Bower to approve the Development Agreement with a gentlemen's agreement to look at the alternative site; seconded by Commissioner Garcia; Voice-vote: 6-1; Opposed: Commissioner Steinberg.

****City Clerk's note:

1. 2nd reading requires 15 days notice in Local section. The property, which is City Property, will need to be noticed pursuant to the Shapiro Ordinance.
2. Attachments: Term Sheet, Timeline, Public Benefits, Operating Proforma, and Preliminary Master Plan

Handout or reference materials:

1. Notice of Ad in Miami Herald
2. A booklet entitled "A Recommendation for an alternate site for the New World Symphony Soundstage Expansion" by David Kelsey, dated July 30, 2003.
3. E-mail to the City Clerk from Frank Del Vecchio dated July 29, 2003 Subject: New World Symphony alternate site. (three pages).

4. Attachment 1-Term Sheet Revised July 25, 2003 includes project description, requirement, benefits, maps. Etc.
5. E-mail to Bob Parcher, City Clerk from Bruce Singer, Miami Beach Convention Center dated July 30, 2003 with a memorandum to the Mayor and Commissioner Re: Planed expansion of the New World Symphony.
6. Letter from South Beach Hotel and Restaurant Association to Robert Parcher dated July 22, 2003 Subject: Recommendations for alternate site for the New World Symphony Expansion.
7. Booklet: entitled "17th Street Site Proposal Option A" dated September 21, 2001

1:24:38 p.m.

R7J A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Lease Agreement Between The City Of Miami Beach And The Miami Beach Federal Credit Union, For Use Of Approximately 1350 Square Feet Of City-Owned Property Located At 1701 Meridian Avenue (AKA 777 - 17th Street), Miami Beach, Florida; And Further Waive, By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements; As Required By Section 82-39 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City. **10:30 a.m. Public Hearing** (Page 580)
(Economic Development)

ACTION: Public Hearing held. Resolution No. 2003-25298 adopted. Motion made by Vice-Mayor Bower seconded by Commissioner Cruz; Voice vote: 7-0. Joe Damien to handle.

Handout or reference materials:

1. Notice of Ad in Miami Herald

7:31:27 p.m.

R7K A Resolution Establishing An Administrative Process To Review All City Fees Based On A Thres hold Change In The Consumer Price Index (CPI) In Concert With A Survey Of Fees For Similar Services In Surrounding Communities Or An Increased Cost Of Providing Such Service(s)
(Finance Department)

ACTION: Resolution No. 2003-25299 adopted. Motion made by Commissioner Steinberg; seconded by Vice-Mayor Bower; Voice vote: 6-1; Opposed: Commissioner Garcia. Patricia Walker to handle.

8:57:06 p.m.

Supplemental Materials (Resolution)

R7L A Resolution Setting 1) The Proposed Operating Millage Rate; 2) The Required Debt Service Millage Rate; 3) The Calculated "Rolled-Back" Rate; And, 4) The Date, Time, And Place Of The First Public Hearing To Consider The Millage Rates And Budgets For Fiscal Year (FY) 2003/04; Further Authorizing The City Manager To Transmit This Information To The Miami-Dade County Property Appraisers In The Form Required By Section 200.065, Florida Statutes.
(Finance Department)

ACTION: Title of the Resolution read into the record.

- 1) Proposed Millage Rates For FY 2003/04:

General Operating	7.299 Mills (7.299 last year)
Debt Service	0.874 Mills (1.023 last year)
	8.173 Mills (8.322 last year)
- 2) "Rolled-Back" Rate (Truth in Millage) 6.527 Mills
- 3) The First Public Hearing On The Proposed Millage Rates And The Tentative Budget For FY 2003/04 Shall Be Held On Thursday, September 4, 2003 At 5:01 P.M., In The City Commission Chambers, City Hall, 1700 Convention Center Drive, Miami Beach, Florida.

Resolution No. 2003-25300 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Smith; Voice vote: 7-0. Patricia Walker to handle.

Jorge Gonzalez, City Manager, stated that in setting the tentative millage the parameter is established for the budget. He explained that the total for this budget is \$277 million and only a 5.7% increase over the current year budget. He stated that the General Fund portion of the budget is made up of 72% salaries and benefits and \$152 million net of the RDA and that is an increase of 5.8% over the current year budget. Over the last three years the budget has increased an average of \$10 million per year or 8%, but this year it only increased \$8 million and less than 6%. He explained that this budget was balanced by the tentative rate of the millage the fees approved today for a total of \$1.6 million dollar increase, but it started with a \$10 million gap. He continued explaining that the fee increase along could not balance this budget, the difference was made up of higher than anticipated assessment growth, lower than anticipated health insurance costs and pension, also new projects came online, and over the last two years the Administration has identified \$13.2 million in savings and eliminated 108 positions from the budget. This Commission has made an investment on two key components for the residents of Miami Beach in the Parks and in Public Safety. He stated that this Commission and the Administration has been fiscally prudent, as recognized by the bond rating upgrade, and this is a balanced budget that meets many of the residents, business and community's needs with very few service level reductions. He stated that he is very proud and thanked the members of the Administration who worked diligently to make sure this is a responsible budget and with the help of the department heads were able to do that.

Commissioner Gross requested the net change to the positions, since positions were added and positions were abolished. The Administration is to research and respond via an LTC. **Patricia Walker**

to handle.

Patricia Walker, Chief Financial Officer, gave a PowerPoint presentation.

Jorge Gonzalez, City Manager, stated that the proposed budget is balanced assuming the current millage rate of 7.299, the fee increases adopted today, including park fees, and the building permit fees that are pending. A big issue brought forth during the budget discussions is maintenance. There is a new section in the budget that shows how much maintenance the City performs and it aggregates \$13.5 million to the budget. He explained that there are opportunities without increasing the total millage, when operating and debt services are combined, that the City can set aside approximately \$1.4 million recommended to be exclusively designated for maintenance above and beyond the \$13.5 million. If the Commission desires to take advantage of this opportunity, language could be prepared for an ordinance to make sure that the intent is not to supply but to separate this fund for future maintenance needs of the facilities. This will require a change to the operating millage.

Commissioner Cruz stated that at the Budget Briefing he suggested that the Administration look at a way of creating a fund for parks maintenance, but after looking at the increased fees adopted today, he does not think this is the right thing to do at this moment. He stated that the maintenance issue needs to be addressed at a future date and if this is a way of accomplishing it through Finance, perhaps Commissioner Smith, at the Finance and Citywide Project Committee, could look at it and bring it back for discussion.

Commissioner Steinberg stated that he agrees with Commissioner Cruz that this should be looked at in the future and probably the way to do it is through a referendum and a Charter amendment in order to protect the funds for maintenance so there will not be used to replace funds.

Vice-Mayor Bower stated that the issue of maintenance should be addressed sooner rather than later and fear of re-election will not keep her from addressing such an important issue. She added that the citizens need to be educated and presented with this idea.

Jorge Gonzalez, City Manager, stated that the first Budget Meeting is scheduled for September 4, 2003 and the deadline to get a ballot question to Miami-Dade County is September 5, 2003, so the language could be drafted by September 4, but he asked if the Commission will have the comfort level it seeks.

Mayor Dermer explained that another option is that it could be done via an ordinance.

Jorge Gonzalez, City Manager, explained that to accomplish this via an ordinance the City Commission will need to set the tentative millage higher today.

Patricia Walker, Chief Financial Officer, stated that Commissioners Smith and Steinberg had asked if the Tax Assessor could identify this as a separate line item on the tax bill, and the Tax Assessor responded that it could not be done for this year, but if the City requested this early enough they could put a separate line item for next year.

Marc Gidney from the Budget Advisory Committee commended Jorge Gonzalez, City Manager, Patricia Walker, Chief Finance Officer, Jose Cruz, Budget Director and staff in preparing the budget since this is a difficult year. He stated that the Budget Advisory Committee approves the fee increases and the reductions made to the budget. They also recommend the roll down of the Debt Service Millage to the General Operating Millage, but only if the funds are labeled for specific uses. He stated to consider the increase in the millage as an investment in the future.

Commissioner Gross stated that before this could go to the voters a list of the maintenance with

examples being considered should be prepared. **Patricia Walker to handle.**

Jorge Gonzalez, City Manager, stated that the language can be worked out by September 4, 2003 but he does not know if the Commission will have the time to discuss it and feel comfortable with it.

Handout or reference materials:

1. Budget PowerPoint presentation
2. Message from Deede Weithorn, Chairperson, Budget Advisory Committee, read by Marc Gidney.

9:40:34 p.m.

R7M A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Setting 1) The Proposed General Operating Millage Rate For The Normandy Shores Neighborhood Improvement District; 2) The Calculated Rolled-Back Rate; And, 3) The Date, Time, And Place Of The First Public Hearing To Consider The Operating Millage Rate And Budget For Fiscal Year (FY) 2003/04; Further Authorizing The City Manager To Transmit This Information To The Miami-Dade County Property Appraiser In The Form Required By Section 200.065, Florida Statutes.
(Finance Department)

ACTION: Title of the Resolution read into the record.

1) Proposed Normandy Shores Local Government Neighborhood Improvement District Operating Millage Rate For FY 2003/04:

General Operating 1.123 Mills

2) "Rolled-Back" Rate (Truth in Millage) 1.074 Mills

3) The First Public Hearing On The Proposed Normandy Shores Local Government Neighborhood Improvement District Operating Millage Rate And Tentative Budget For FY 2003/04 Shall Be Held On Thursday, September 4, 2003 At 5:02 P.M., In The City Commission Chambers, City Hall, 1700 Convention Center Drive, Miami Beach, Florida.

Resolution No. 2003-25301 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Smith; Voice vote: 7-0. Patricia Walker to handle.

Jorge Gonzalez, City Manager, referring to both the City Budget and the Normandy Shores budget, recognized Patricia Walker, Chief Financial Officer, Jose Cruz, Budget Officer, Carmen Carlson, Sr. Management & Budget Analyst, William Gonzalez, Sr. Management & Budget Analyst, Joe Reilly, Sr. Management & Budget Analyst, Sailyn Arce, Office Associate III, Georgie Echert, Assistant Director of Finance, Ramon Duenas, Expenditure and Treasury Manager, Manny Marquez, Finance Manager, and all the department heads and their staff for their hard work.

7:33:00 p.m.

R7N A Resolution Amending Resolution No.2000-23445, Increasing The Present Fire Rescue Transport Fees From \$310 For Basic Life Support And Advanced Life Support, To \$330 For Basic Life Support, \$380 For Advanced Life Support 1, And \$490 For Advanced Life Support 2 And Maintaining The Current Fees For All Expendable Medical Supplies, With Services Not To Be Withheld Due To A Person's Inability To Pay.
(Fire Department)

ACTION: Resolution No. 2003-25302 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Smith; Voice vote: 7-0. Chief Jordan to handle.

Fire Chief Jordan spoke.

5:07:32 p.m.

R7O A Resolution Amending The One Year Action Plan For Federal Funds For Fiscal Years 1995/1996, 1997/1998, 1998/1999,1999/2000, 2000/2001, 2001/2002, And 2002/2003, To Reprogram CDBG Funds In The Amount Of \$1,291,142, And ESG Funds In The Amount Of \$335, As De scribed In Exhibit I To This Resolution; And Further Authorizing The Mayor And City Clerk To Execute The Related Agreements For The Reallocation Of Aforementioned Funds.
(Neighborhood Services)

ACTION: Resolution No. 2003-25303 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Gross; Voice vote: 5-0; Absent: Commissioners Cruz and Steinberg. Vivian Guzman to handle.

5:07:34 p.m.

Supplemental Materials: (Executive Summary Consolidated Plan)

R7P A Resolution Adopting The Five-Year Consolidated Plan For Federal Funds For Fiscal Years 2003-2007; Authorizing The Administration And The Office Of The City Attorney To Make Minor Non-Substantive Changes To The Five-Year Consolidated Plan Before Execution; Authorizing The City Manager To Execute All Applicable Documents, And Submit The Five-Year Consolidated Plan To The U.S. Department Of Housing And Urban Development (HUD).
(Neighborhood Services)

ACTION: Resolution No. 2003-25304 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Gross; Voice vote: 6-0; Absent: Commissioner Steinberg. Vivian Guzman to handle.

Handout or reference materials:

1. Executive Summary: The Consolidated Plan.

6:37:27 p.m.

5:07:39 p.m.

R7Q A Resolution Adopting The One-Year Action Plan Component Of The Five-Year Consolidated Plan For Federal Funds For Fiscal Year 2003/04, Which Includes The Budgets For The Community Development Block Grant (CDBG) Program, The Home Investment Partnerships (HOME) Program, And The Emergency Shelter Grants (ESG) Program; Authorizing The Mayor And City Clerk To Execute Agreements Necessary To Implement The CDBG, HOME And ESG Activities Of The One-Year Action Plan As Follows: Twenty-Nine (29) CDBG Sub-Recipient Agreements, Three (3) CDBG Interdepartmental Cooperation Agreements, One (1) ESG Interdepartmental Cooperation Agreement; Authorizing The Administration And The Office Of The City Attorney To Make Minor Non-Substantive Changes To The One-Year Action Plan And/Or Aforestated Agreements Before Execution; Amending Certain Agreements, As Set Forth In The Body Of This Resolution, For Fiscal Year 2002/03, For The Community Development Block Grant Program To Extend The Expiration Dates Of Said Agreements; Authorizing The City Manager To Execute All Applicable Documents, And Submit The One-Year Action Plan To The U.S. Department Of Housing And Urban Development (HUD); And Authorizing The Appropriation Of All Federal Funds When Received.
(Neighborhood Services)

ACTION: Resolution No. 2003-25305 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Smith; Voice vote: 5-0; Absent: Commissioners Cruz and Steinberg. Vivian Guzman to handle.

Cecilia Hunt, Director of Rainbow Childcare, spoke.

Commissioner Smith stated that the City received 22% less funding due to the new data on the Census and cuts needed to be made.

Vice-Mayor Bower asked the City Manager if there are any funds that come during the year and are not spent, and if so, to place this organization at the head of the line.

Jorge Gonzalez, City Manager, stated that he would transmit to CDAC the desire to have any unspent funding be allocated to Rainbow Childcare. **Joanna Revelo to handle.**

5:09:52 p.m.

New item:

Luis Salom, Coach for The Miami Beach Sharks Baseball Team, stated that this is the first time in the history of Miami Beach that a youth baseball program has played in an international tournament and has placed. He stated that two months ago they informed the City Commission that the team had qualified for the Walt Disney Wide World of Sports International Baseball Tournament of which 12 teams participated with two teams from Puerto Rico. He explained that the 10 and under team came in second place. He presented to the City, on behalf of the team, their second place trophy to be displayed in the Mayor's Office. He requested the participation of business leaders in the community so that the team can take advantage of opportunities to play. He recognized the players and stated that they are also good students academically.

9:43:50 p.m.

Supplemental Materials (Resolution and attachment 1 and 2)

R7R

- A) A Resolution Establishing A Schedule Of User Fees For Various Parks And Recreation Programs And Services, Facility Admissions And Rentals, And Other Related Activities, As Set Forth In Attachment "1" Hereto; Said Fees Effective On October 1, 2003; Repealing Resolution No. 86,18593, Which Established A Schedule Of Membership And User Fees For Tennis Centers, Pools, Community Centers And Playground Recreation Programs, And Further Resolution No. 86-18677 Which Established A Schedule Of Fees For Rental And/Or Use Of City Of Miami Beach Parks And Recreation Facilities; Further Adopting The Scholarship Schedule, As Delineated In "Attachment 2" Hereto, For Eligible Youth Participating In The City's Recreational Programs.

(Parks & Recreation)

ACTION: Resolution No. 2003-25306 adopted. Motion made by Commissioner Smith; seconded by Commissioner Steinberg; Voice vote: 6-1; Opposed: Commissioner Garcia. Kevin Smith to handle.

9:46:53 p.m.

Supplemental Materials (Resolution)

- B) A Resolution Authorizing The Administration To Include, In Its Negotiation For Outside Service Provider Recreation Programs, A Revenue Sharing Formula Not To Be Less Than 20%, Based On Economic Viability And Market Analysis; Further Providing That The City Manager Or His Designee May Offer Special Packages And Annual Passes For Residents To Facilities, Including But Not Limited To Swimming Pools, The Ice Rink, And Youth Centers.

(Parks & Recreation)

ACTION: Resolution No. 2003-25307 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Gross; Voice vote: 6-1; Opposed: Commissioner Garcia. Kevin Smith to handle.

1:52:51 p.m.

- R7S A Resolution Pursuant To Section 90-221 Of The Miami Beach City Code, And Following A Duly Noticed Public Hearing Raising The Franchise Fee Paid To The City By Private Waste Contractors From The Current Fee Of Fourteen Percent (14%) Of The Franchisee's Total Monthly Gross Receipts For Waste Removal In The City, To Sixteen Percent (16%) Of Said Gross Receipts, Said Raise To Be Effective On October 1, 2003. **10:45 a.m. Public Hearing.**

(Public Works)

ACTION: Public Hearing held. Resolution No. 2003-25308 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Steinberg; Voice vote: 6-1; Opposed Commissioner Garcia. Fred Beckmann to handle.

Commissioner Steinberg requested the Administration to research waiving the fee for those businesses which do not have private haulers. **Fred Beckmann to handle.**

David Kelsey spoke.

Jorge Gonzalez, City Manager, stated that all monies will go to the Sanitation program and none of it will be used to fund the General Fund.

Commissioner Smith stated that this is an appropriate way to set aside funds for future years for canal clean up. He stated that the Administration needs to find a way to incorporate canal clean up

into the Enterprise Fund. **Patricia Walker to handle.**

Handout or reference materials:

1. Notice of Ad in Miami Herald

12:59:51 p.m.

R7T A Resolution Approving And Authorizing \$592,239.00 In City Of Miami Beach Quality Of Life/Resort Tax Funding From Fiscal Year 2001/2002 (Less Five Percent For Administrative Charges To North Beach Development Corporation) For Improvements In The North Beach Community; And Reallocating \$73,000.00 In Prior Years' Quality Of Life Funding, In The Amounts Of \$15,000.00 From Fiscal Year 99/00; And \$58,000.00 From Fiscal Year 00/01; Providing For A Total Of \$665,239.00 For The Purpose Of Funding Tourism Oriented Projects In The North Beach Area.
(Tourism and Cultural Development)

ACTION: Resolution No. 2003-25309 adopted as amended. Motion made by Vice-Mayor Bower to accept the City Manager's recommendations, with the \$25,000 reallocation of funds amendment; seconded by Commissioner Smith; Voice vote: 7-0. Donna Shaw and Patricia Walker to handle.

Jorge Gonzalez, City Manager, explained that this is an annual activity that occurs in how the City distributes the Quality of Life funds for the North Beach area. This is the half penny resort tax that gets divided among the three areas of the City; North, Middle and South Beach areas. For the North Beach area, this is the 7th year allocation; they have gone through a community process facilitated by the North Beach Development Corporation to identify applications and to make recommendations as to the allocation of funds. He stated that in the past this allocation has been done as a consensus of the City Manager and the North Beach Development Corporation, but this year full consensus was not reached and a compromised has been reached in talks with Jerry Libbin, from NBCDC, who will speak on the subject. He announced that there will be a workshop scheduled in September to discuss how the Quality of Life funds should be distributed citywide in the future. He stated that the recommendations by both the North Beach Development Corporation and the Administration is that the \$25,000 allocation for the Byron Carlyle Theatre will be returned to the North Beach Development Corporation for them to distribute as they see appropriate with the caveat that in year 2008 moneys which will come available October 1, the first \$25,000 will go to the Byron Carlyle Theatre to finish the project. He reiterated that in essence this give the North Beach Development Corporation an extra \$25,000 to reallocate and \$25,000 will be taken out of next year's allocation for the Byron Carlyle project.

Jerry Libbin, representing North Beach Development Corporation, spoke in support of the City Manager's recommendation.

Bryant Krause, Operator of the Ocean Terrace Hotel in North Beach, requested permission to show a four-minute video. Because of time constraints, Mayor Dermer stated that he would allow the video to be shown at the September 10 Commission Meeting.

Ted Berman, representing Biscayne Point Homeowners Association, spoke.

Leon Manne, Director of the Kiwanis Club, spoke regarding the Stonecrab Festival funding in previous years. Thousands of people throughout the State and City come to North Beach and feels this project should be continued.

Steward Jacobs, resident of Miami Beach, spoke in support of keeping the Stonecrab Festival.

Michael Brennan, Biscayne Pointe representative, spoke in support of canal cleanup. He suggested that

there are bushes hanging over the seawalls and asked that Code Compliance comply with the current ordinances and issue proper notices. He added that Marine Patrol officers should assess the canals, and make the waters navigable, where they are now blocked by overgrown items that preclude safe traffic.
Al Childress to handle.

Mike Thompson spoke regarding canals clean up funding and transportation grants for highways or water transportation as well.

Jorge Gonzalez, City Manager, stated that it is the City's intent to keep up with the canal clean up project and searching for grants for that purpose.

Commissioner Smith thanked the Kiwanis Club members present. He requested Jerry Libbin, representing NBDC to consider funding for the Kiwanians for such festivals as the Stonecrab festival.

Jerry Libbin added that he is also a Kiwanian and believes in the festival; he further stated that they are going to need more than \$25,000 to fund the festival. The North Beach Development Corporation will work with the Kiwanis.

Vice-Mayor Bower asked the budget for the festival.

Jerry Libbin stated that the budget is \$70,000 and it is not budgeted as a profit making festival.

Vice-Mayor Bower stated that she would like to help with this festival and suggested addressing some of the City services.

Commissioner Garcia asked the City Manager to try to come up with some extra funds for the Stonecrab festival. **Patricia Walker to handle.** He stated that canal clean up in the North Beach area is needed and this should be a priority.

Jorge Gonzalez, City Manager, stated that the Festival of the Arts has funding for a total of \$75,000 and stated that there may be a way to be efficient and combine budgets which may be able to assist the Kiwanis Club.

Commissioner Smith complemented everyone for getting together to resolve the issues.

Handout or reference materials:

1. Miami Herald article "Cutting tourism funds from budget raising a stir" by Richard Brand dated Sunday, July 27, 2003.
2. Copy of an e-mail from City Debate in reference to the Sunday Herald story by Richard Brand, with a list of the citizens attending the North Beach Community Meeting dated May 14, 2003.

R9 - New Business and Commission Requests

R9A Board and Committee Appointments.
(City Clerk's Office)

ACTION:

Community Relations Board:

Gilbert Squires Term expires 12/31/03 Appointed by Mayor Dermer

Community for Quality Education in MB:

Polita Glynn Representative for PTA of Ruth K. Broad Elementary Term expires 06/30/04

Loan Review Committee:

Joshua Levy Term expires 12/31/04 Appointed by Commissioner Smith

Public Safety Advisory Committee:

Jose Manzanares Term expires 12/31/03 Appointed by Commissioner Cruz

4:29:19 p.m.

R9B Discussion And Acceptance Of The Recommendations Of The Charter Review And Revision Board's Second Deliberation Concerning Amendments To The City Charter And The Related Special Acts.
(City Clerk's Office)

ACTION: Steve Zack, Chairman of the Charter Review Board, presented the items. Discussion held.

Mayor Dermer asked which items were time sensitive and Mr. Zack replied that the election reform package is time sensitive.

1. Mayor's Term

Discussion was held regarding increasing the Mayor's term from two (2) years to four (4) years. The sentiment of the Commission was to leave it at two year terms.

2. Diversity issue :

A Resolution Calling For A Special Election To Be Held On Tuesday, November 4, 2003, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether The City Charter Should Be Amended To Include Within The Citizen's Bill Of Rights A Guarantee That No Person Shall Be Deprived Of Any Rights And Privileges Conferred By Law Because Of Race, Color, National Origin, Religion, Gender, Sexual Orientation, Disability, Marital Status, Familial Status, Or Age.

ACTION: Resolution No. 2003-25288 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Smith; Voice vote: 7-0. R. Parcher to transmit to Miami-Dade County Elections.

Handout or reference materials:

1. E-mail from Mike Burke to Robert Parcher dated 7/29/93 in reference to the Citizens Bill of Rights.

5:16:03 p.m.

R9C Presentation At A Scheduled Public Hearing By Alex Cooper, From Cooper Robertson, Consultant To The City, In Connection With Mediation Discussions And Ongoing Litigation Between West Side Partners And

The City Of Miami Beach.

(City Manager's Office)

ACTION: Public comments taken. Discussion held.

Jorge Gonzalez, City Manager, introduced Alex Cooper, City Consultant, and explained that the community had two input sessions to discuss the Alaska Parcel situation. Mr. Cooper will present his final report on his findings and will explain what he thinks the property can be used for.

Alex Cooper, Consultant to the City from Cooper Robertson, made a presentation.

He stated that there were four questions posed by the City Commission at the beginning of the study: 1) Are the additional most two acres to So. Pointe Park worth pursuing? 2) What value would be added to the park, either economically or socially by such an addition?; 3) At what point would additional density, beyond the as-of-right density begin to compromise the quality of the intended benefits? and 4) What Master Plan, in consideration may inform, an appropriate resolution to the Alaska Parcel? Mr. Cooper briefly summarized the discussions during the two workshops held.

In response to question No. 1, Mr. Cooper explained that the City has numerous choices and options are expanded with the additional two acres. In regards to question No. 2, it would in fact increase the activity in this area and increase value, and bring collective attention back to what to do in this community. Question No. 3, from a height point of view is not an issue; however, the shape of the building can be important; but there are new ways in which a building can be built minimizing the obstruction. In answer to question No. 4, he discussed the Master Plan including a pedestrian attraction option. The area is uniquely surrounded by the most important access points in the City; a "diamond on a necklace" public places.

Commissioner Gross asked about the "stepping down" recommendations.

Mr. Cooper explained that as a way of considering stepping the height of the buildings to open view, he suggested setting a limit at 37 stories as the highest point of the building (Hinsen Goodman portion) and step down in four floors increments and step down in order to reduce the apparent bulk.

Murray Dubbin, City Attorney, stated for the record, that this presentation is part of a mediation process and that the statements, questions and discussions are all confidential to the extent that they may not be used in court. This is part of an attempt to settle disputed claims.

Mr. Cooper added that there are problems with the first two approaches. The idea of extending additional parkland for park uses raised concerns from the residents. He stated that the best response to that corner that he recommends is something that has an "active use" or something that has a public character to it.

Mr. Cooper was recognized by the City Commission for his presentation and recommendations.

Frank Del Vecchio spoke.

Erika Brigham spoke.

Stuart Reed spoke.

Matt Gorson, representing the Portofino Group, spoke.

Kent Harrison Robbins, Esq., representing the Portofino Tower Condominium Association, spoke.

Jeffrey Bass, representing Jerry Blair, a resident of the Portofino Tower, spoke.

Santiago Echemendia, representing Tom Arkin at the Portofino Tower, spoke.

Commissioner Gross recommended that the City Commission draft a counter proposal to the proposal the City received from Portofino taking into account the comments from the residents and the study Alex Cooper has made and to instruct the City Manager to prepare this proposal during the August recess and submit to the Commission via a Close Executive Session. Once agreed with the counter proposal, to present to Portofino and the public, and continue the discussion in an open forum and not go to litigation.
Christina Cuervo and Legal to handle.

Mayor Dermer stated that he agrees with this proposal as long as the entire Commission signs off on it prior to submittal.

Commissioner Garcia stated that the City Commission is also given direction to the City Attorney on this issue.

Commissioner Gross clarified that this does not mean the City Commission is endorsing Mr. Cooper's proposal.

Handout or reference materials:

1. Notice of Ad in Miami Herald
2. Testimony of Alexander Cooper, FAIA regarding the Alaska Parcel
3. Power Point presentation from Cooper, Robertson & parents/Architecture, Urban Design. With maps and photographs.

R9D Discussion Regarding The Quality Of Life Funds And Procedures.
(Requested By Vice-Mayor Matti Herrera Bower)

ACTION: Withdrawn by Vice-Mayor Bower.

R9E Discussion Regarding Washington Square Park.
(Requested By Vice-Mayor Matti Herrera Bower)
(Deferred From July 2, 2003)

ACTION: Item heard in conjunction with items R7C and RDA3C. Discussion held.

James Valentine spoke.

Vice-Mayor Bower stated that Mr. Valentine has spent \$5,000 out of pocket expenses on Washington Square Park.

James Valentine stated that he is willing to put \$50,000 to \$100,000 of his own money to renovate the space, where IFP had their offices, to make a film center.

Mayor Dermer asked Vice-Mayor Bower to explore.

Handout or reference materials:

1. List of parks describing what needs to be done at each park and photographs

6:45:01 p.m.

R9F Discussion Regarding A Resolution Endorsing The "No Hate Campaign," Spearheaded By The Anti-Defamation League And The Miami-Dade Community Relations Board.

(Requested By Commissioner Simon Cruz)

ACTION: Discussion held. Resolution No. 2003-25310 adopted. Motion made by Commissioner Cruz; seconded by Vice-Mayor Bower; Voice vote: 7-0. R. Parcher to transmit to Miami-Dade County Community Relations Board and the Anti-Defamation League of Florida.

Dr. Larry Capp, Director of the Office of Community Relation for Miami-Dade County, spoke.
Marc Lichtman member of the City of Miami Beach Community Relations Board spoke.

Commissioner Cruz asked if they are asking for any funding.

Dr. Marc Lichtman, member of the Miami Beach Community Relations Board, stated that not at this time but there could be some in-kind support.

Marcy Rosenbaum, from the Anti-Defamation League of Florida, spoke.

Handout or reference materials:

1. Copy of what was read at the meeting detailing the overview, the key components and the campaign impact of "No Place for Hate".

R9G Discussion On The Decision By The Third District Court Of Appeal Regarding The Bert Harris Act. (Page 800)

(Requested By Commissioner Jose Smith)

ACTION: Withdrawn by Commissioner Smith.

7:41:02 p.m.

R9H Discussion On How To Propose A Legislation To Create And Adopt A Dune Project In Conjunction With The Miami Beach Parks And Recreation Department, ECOMB, Teen Job Corp And The Miami Dade Extension.

(Requested By Commissioner Luis R. Garcia, Jr.)

ACTION: Discussion held. Motion made by Commissioner Garcia to refer to the Land Use and Development Committee; seconded by Vice-Mayor Bower; Voice vote: 7-0. Jorge Gomez to place on the Committee Agenda. Vivian Guzman to handle.

New Item

Motion made by Commissioner Steinberg to add, as an emergency item, a referral to the Planning Board to work on an ordinance that establishes new fence and landscape regulations; seconded by Commissioner Smith; Voice vote: 7-0.

Item - In light of the recent decision in La Gorce Country Club v. City of Miami Beach declaring unconstitutional Ordinance 2002-3367 and section 142-395(3) of the City Code involving the height of fences and the character of landscaping on golf courses, which is not conceded, the City Commission moved to refer to the Planning Board an ordinance that establishes new fence and landscape regulations applicable to all golf courses in the City, as well as abutting property owners, and including the recommendation that such fences be non-opaque, with landscaping and berms that do not block the view of the surrounding homeowners. Further, the referral asks the Planning Board to consider regulations for fences on golf courses that abut street ends and public rights-of-way.

Motion made by Commissioner Steinberg; seconded by Commissioner Smith; Voice vote: 7-0. **Jorge Gomez to place on the agenda and handle.**

R10 - City Attorney Reports

R10A Notice Of Closed Executive Session.

Pursuant To Section 286.011, Florida Statutes, Closed Executive Sessions Will Be Held During Lunch Recess Of The City Commission Meetings On July 2, 2003 And July 30, 2003 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Pending Litigation On The Following Cases:

West Side Partners, Ltd., A Florida Limited Partnership; East Coastline Development, Ltd., A Florida Limited Partnership; 404 Investments, Ltd., A Florida Limited Partnership; Azure Coast Development, Ltd., A Florida Limited Partnership; Beachwalk Development Corporation, A Florida Corporation; Portofino Real Estate Fund, Ltd., A Florida Limited Partnership; St. Tropez Real Estate Fund, Ltd., A Florida Limited Partnership; And Sun & Fun, Inc., A Florida Corporation, Vs. City Of Miami Beach, A Florida Municipal Corporation. Eleventh Judicial Circuit, General Jurisdiction, Case No. 98-13274 CA -30.

East Coastline Development, Ltd., A Florida Limited Partnership Vs. City Of Miami Beach, A Florida Municipal Corporation. Circuit Court Of The Eleventh Judicial Circuit Of Florida, General Jurisdiction Division, Case No. 01-26231 CA 32 (Removed To US Dist. Court, So. Dist. Of Fla. Case No. 01-4921 CIV-MORENO)

East Coastline Development, Ltd., A Florida Limited Partnership, And Catherine F. Colonnese, A Registered Voter In The City Of Miami Beach, Florida, Vs. City Of Miami Beach, A Florida Municipal Corporation. Circuit Court Of The Eleventh Judicial Circuit Of Florida, General Jurisdiction Division, Case No. 01-25812 CA 30 (On Appeal In Third District Court Of Appeal Case No. 3DOI-3350)

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti Herrera Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald M. Papy, Deputy City Attorney Jean Olin, First Assistant City Attorney Debora Turner, First Assistant City Attorney Gary Held, Special Counsels Richard Ovelmen And Dan Paul.

ACTION: Announced and held.

R10B Notice Of Closed Executive Session.

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On July 30, 2003 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Pending Litigation On The Following Case:

M/A-COM, Inc., A Florida Corporation Vs. City Of Miami Beach, Florida, A Florida Municipal Corporation And Motorola, Inc., A Delaware Corporation. Eleventh Judicial Circuit, General Jurisdiction, Case No. 03-10254 CA 15

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti Herrera Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Deputy City Attorney Jean Olin And First Assistant City Attorney Raul Aguila.

ACTION: Announced and held.

R10C Notice Of Closed Executive Session.

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On July 30, 2003, In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Strategy Related To Litigation Expenditures In The Following Case:

Royal World Metropolitan Inc. vs. City of Miami Beach, Eleventh Judicial Circuit Court, Case 99-17243 CA 23 and Third District Court of Appeal, Case No. 3D02-3161

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, First Assistant City Attorney Debora Turner, First Assistant City Attorney Gary Held And Outside Counsel Jennifer Altman, Esq., Steve Zack, Esq. And Richard Ovelmen, Esq.

ACTION: Announced and held.

R10D Notice of Closed Executive Session.

Pursuant to Section 286.011, Florida Statutes, a Closed Executive Session will be held during lunch recess of the City Commission meeting on June 30, 2003 in the City Manager's large conference room, Fourth Floor, City Hall, to discuss settlement on the following cases:

La Gorce Country Club, Inc., vs. City of Miami Beach, Florida. Eleventh Judicial Circuit, General Jurisdiction Division, Case No. 03-12377 CA 30.

La Gorce Country Club, Inc., vs. City of Miami Beach, Florida, etc. Third District Court of Appeal, Case No. 3D03-1314; Lower Tribunal No. 02-210AP

The following individuals will be in attendance: Mayor David Dermer; Members of the Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith and Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, First Assistant City Attorney Debora J. Turner and First Assistant City Attorney Gary Held.

ACTION: Announced and held.

Reports and Informational Items

9:58:18 p.m.

- A. Pursuant To Section 259.032 (10) (B) Of The Florida Statutes, The Following Public Hearing Language Needs To Be Read Into The Record:

NOTICE IS HEREBY GIVEN that an Advisory Group, organized pursuant to Section 259.032 (10) (b) of the Florida Statutes, shall conduct a public hearing, as required by said Statute, to review the proposed and updated Beachfront Management Plan prior to submittal to the State for its approval.

The public hearing will be held at 4:00 p.m. on Wednesday, August 20, 2003, in the City Commission Chambers, 3rd Floor, Miami Beach City Hall, 1700 Convention Center Drive, Miami Beach, Florida.
(Economic Development)

ACTION: The above Public Hearing language was read into the record. Joe Damien to handle.

Commissioner Cruz congratulated the City Manager for presenting a balanced budget.

- B. City Attorney's Status Report.
(City Attorney's Office)

ACTION: Written report submitted.

- C. Parking Status Report.
(Parking Department)

ACTION: Written report submitted.

- D. Non-City Entities Represented By City Commission:
1. Miami-Dade Homeless Trust Board Meeting Minutes Of May 30, 2003.
(Requested By Commissioner Richard Steinberg)

ACTION: Written report submitted.

2. Performing Arts Center Trust Board Resolutions As Of July 8, 2003.
(Requested By Commissioner Matti H. Bower)

ACTION: Written report submitted.

End of Regular Agenda

**Miami Beach Redevelopment Agency
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive**

July 30, 2003

Chairman of the Board David Dermer
Member of the Board Matti Herrera Bower
Member of the Board Simon Cruz
Member of the Board Luis R. Garcia, Jr.
Member of the Board Saul Gross
Member of the Board Jose Smith
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez
Assistant Director Christina M. Cuervo
Assistant Director Mayra Diaz Buttacavoli
General Counsel Murray H. Dubbin
Secretary Robert E. Parcher

AGENDA

1. ROLL CALL
2. OLD BUSINESS
 - A. Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency For The Month Of June 2003.
ACTION: Written report submitted.
 - B. Anchor Shops And Parking - Monthly Report On Parking Operations, Month Of May, 2003.
ACTION: Written report submitted.
 - C. Status Report On The Negotiations Between The City Of Miami Beach, The Miami Beach Redevelopment Agency And RDP Royal Palm Hotel Limited Partnership ("RDP").
(City Attorney's Office)
ACTION: Written report submitted. Commissioner Smith stated that a proposal has been transmitted to Mr. Peebles consistent with the direction at the last meeting and are waiting for a response.
3. NEW BUSINESS
 - A. A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency, Authorizing The Executive Director, Or His Designee To Select, Negotiate, Award And Reject All Bids, Contracts, Agreements, Purchase Orders, Change Orders And Grant Applications; Renew Existing Contracts Which May Expire, And Terminate Existing Contracts As Needed From The Last Agency Meeting On July 30, 2003, Until The First Regularly Scheduled Agency Meeting In September 2003, Subject To Ratification By The Agency At Its First Regularly Scheduled Meeting In September 2003. **Joint City Commission And Redevelopment Agency.**
ACTION: Heard in conjunction with Item R7G. Resolution No. 456-2003 adopted. Motion made by Commissioner Steinberg; seconded by Vice-Mayor Bower; Voice vote: 6-0; Absent: Commissioner Cruz. Gus Lopez to handle.

7:06:27 p.m.

- B. A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Appropriating \$56,307 From FY 2003/2004 South Pointe Tax Increment Funds For Additional Services To Be Provided Pursuant To The Program Management Services Agreement Between The City Of Miami Beach And Hazen And Sawyer, P.C., Approved Pursuant To Resolution No. 2001-24247 / RDA Resolution No. 379-2001, As Amended June 27, 2001, Pursuant To Resolution No. 2001-24501 / RDA Resolution No. 389-2001; Further Approving A Second Amendment To The Agreement To Provide Additional Professional Management Services; And Authorizing The Executive Director To Execute The Second Amendment To The Agreement, In A Form To Be Approved By The Administration And The City Attorney. **Joint City Commission And Redevelopment Agency**

ACTION: Heard in conjunction with Item R7F. Resolution No. 457-2003 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Cruz. Christina Cuervo to handle.

6:53:52 p.m.

- C. A Resolution Appropriating Funds, In An Amount Not To Exceed \$35,000, From South Pointe Redevelopment Tax Increment Funds, For Construction Costs For The Victory Garden. **Joint City Commission And Redevelopment Agency.**

ACTION: Heard in conjunction with Items R7C and R9E. Resolution No. 458-2003 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Smith; Voice vote: 5-0; Absent: Commissioners Cruz and Garcia. Tim Hemstreet to handle.

Vice-Mayor Bower introduced Denise Katakis, the new Executive Director, of the Miami Design Preservation League (MDPL).

Handout or reference materials:

1. Copy of petition signed in reference to Victory Gardens by James Valentine.

End of RDA Agenda

Meeting adjourned at 9:59:23 p.m.